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HOUSE OF REPRESENTATIVES

I certify that the attached is a true and  
correct copy of hb 1478, which  
was filed of record on 3-4-93  
and referred to the committee on:  
public health  
*Betty Ramsey*  
Chief Clerk of the House

FILED MAR 4 1993

By Cari

H.B. No. 1478

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the fitting and dispensing of hearing  
aids and speech-language pathology and audiology and to the  
creation of a new state board to replace the State Committee of  
Examiners for Speech Pathology and Audiology and the Texas Board of  
Examiners in the Fitting and Dispensing of Hearing Aids.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. BOARD OF EXAMINERS FOR SPEECH

AND HEARING PROFESSIONALS

SECTION 1.01. Title 71, Revised Statutes, is amended by  
adding Article 4566a to read as follows:

Art. 4566a. BOARD OF EXAMINERS FOR SPEECH AND HEARING  
PROFESSIONALS

Sec. 1. BOARD OF EXAMINERS FOR SPEECH AND HEARING  
PROFESSIONALS. (a) The Board of Examiners for Speech and Hearing  
Professionals consists of:

(1) two members licensed as hearing aid fitters and  
dispensers who are not licensed as audiologists or speech-language  
pathologists;

(2) two members licensed as audiologists;

(3) two members licensed as speech-language  
pathologists; and

(4) three members who represent the public.

(b) Members of the board are appointed by the governor with

1 the advice and consent of the senate.

2 (c) Appointments to the board shall be made without regard  
3 to the race, color, disability, sex, religion, age, or national  
4 origin of the appointees.

5 Sec. 2. OFFICERS; MEETINGS; COMPENSATION. (a) The board  
6 annually shall select a presiding officer, assistant presiding  
7 officer, and secretary-treasurer.

8 (b) The board shall hold at least two regular meetings each  
9 year at which time an examination for a license under a law  
10 administered by the board shall be offered. Additional meetings  
11 may be held on the call of the presiding officer or at the written  
12 request of three members of the board.

13 (c) A member of the board is entitled to a per diem as set  
14 by the General Appropriations Act for each day that the member  
15 engages in the business of the board. A member may not receive any  
16 compensation for travel expenses, including expenses for meals and  
17 lodging, other than transportation expenses as provided by the  
18 General Appropriations Act.

19 Sec. 3. TERMS. (a) Members of the board are appointed for  
20 staggered six-year terms, with three members' terms expiring on  
21 February 1 of each odd-numbered year.

22 (b) A member appointed to fill a vacancy shall hold office  
23 for the remainder of that term.

24 Sec. 4. PUBLIC MEMBERSHIP RESTRICTION. A person is not  
25 eligible for appointment as a public member of the board if the  
26 person or the person's spouse:

27 (1) is registered, certified, or licensed by an

1 occupational regulatory agency in the field of health services;

2 (2) is employed by or participates in the management  
3 of a business entity or other organization regulated by the board  
4 or receiving funds from the board;

5 (3) owns or controls, directly or indirectly, more  
6 than 10 percent interest in a business entity or other organization  
7 regulated by the board or receiving funds from the board; or

8 (4) uses or receives a substantial amount of tangible  
9 goods, services, or funds from the board, other than compensation  
10 or reimbursement authorized by law for board membership,  
11 attendance, or expenses.

12 Sec. 5. CONFLICT OF INTEREST RESTRICTIONS. (a) An officer,  
13 employee, or paid consultant of a Texas trade association in the  
14 field of health services may not be a member or employee of the  
15 board who is exempt from the state's position classification plan  
16 or is compensated at or above the amount prescribed by the General  
17 Appropriations Act for step 1, salary group 17, of the position  
18 classification salary schedule.

19 (b) A person who is the spouse of an officer, manager, or  
20 paid consultant of a Texas trade association in the field of health  
21 services may not be a board member and may not be an employee of  
22 the board who is exempt from the state's position classification  
23 plan or is compensated at or above the amount prescribed by the  
24 General Appropriations Act for step 1, salary group 17, of the  
25 position classification salary schedule.

26 (c) For the purposes of this section, a Texas trade  
27 association is a nonprofit, cooperative, and voluntarily joined

1 association of business or professional competitors in this state  
2 designed to assist its members and its industry or profession in  
3 dealing with mutual business or professional problems and in  
4 promoting their common interest.

5 Sec. 6. EFFECT OF LOBBYING ACTIVITY. A person may not serve  
6 as a member of the board or act as the general counsel to the board  
7 if the person is required to register as a lobbyist under Chapter  
8 305, Government Code, and its subsequent amendments, because of the  
9 person's activities for compensation on behalf of a profession  
10 related to the operation of the board.

11 Sec. 7. GROUNDS FOR REMOVAL FROM BOARD. (a) It is a ground  
12 for removal from the board if a member:

13 (1) does not have at the time of appointment the  
14 qualifications required by Section 1 of this article;

15 (2) does not maintain during service on the board the  
16 qualifications required by Section 1 of this article;

17 (3) violates a prohibition established by Section 4,  
18 5, or 6 of this article;

19 (4) cannot discharge the member's term for a  
20 substantial part of the term for which the member is appointed  
21 because of illness or disability; or

22 (5) is absent from more than half of the regularly  
23 scheduled board meetings that the member is eligible to attend  
24 during a calendar year unless the absence is excused by majority  
25 vote of the board.

26 (b) The validity of an action of the board is not affected  
27 by the fact that it is taken when a ground for removal of a board

1 member exists.

2 (c) If the director has knowledge that a potential ground  
3 for removal exists, the director shall notify the presiding officer  
4 of the board of the ground. The presiding officer shall then  
5 notify the governor that a potential ground for removal exists.

6 Sec. 8. STAFF. (a) The board shall employ a director and  
7 administrative and clerical employees as necessary to carry out the  
8 board's functions.

9 (b) The board shall develop and implement policies that  
10 clearly define the respective responsibilities of the board and the  
11 staff of the board.

12 Sec. 9. REGULATORY STATUTES ADMINISTERED. The board shall  
13 administer and enforce:

14 (1) the speech-language and pathology law under  
15 Chapter 381, Acts of the 68th Legislature, Regular Session, 1983  
16 (Article 4512j, Vernon's Texas Civil Statutes), and its subsequent  
17 amendments; and

18 (2) the law relating to the fitting and dispensing of  
19 hearing aids, Chapter 366, Acts of the 61st Legislature, Regular  
20 Session, 1969 (Article 4566-1.01 et seq., Vernon's Texas Civil  
21 Statutes), and its subsequent amendments.

22 Sec. 10. SEPARATE LICENSES. (a) The board shall issue  
23 separate licenses for a hearing aid fitter and dispenser, an  
24 audiologist, and a speech-language pathologist.

25 (b) The board may issue more than one type of license to a  
26 person under a law regulated by the board if the person is  
27 qualified to hold each of the licenses issued. The board shall

1 adopt rules relating to the issuance of multiple licenses to a  
2 person under laws administered by the board.

3 Sec. 11. RULES. (a) The board may only adopt rules  
4 proposed to the board by a rules subcommittee established under  
5 Section 12 of this article. This provision controls  
6 notwithstanding any conflicting provision of the speech-language  
7 and pathology law under Chapter 381, Acts of the 68th Legislature,  
8 Regular Session, 1983 (Article 4512j, Vernon's Texas Civil  
9 Statutes), or the law relating to the fitting and dispensing of  
10 hearing aids, Chapter 366, Acts of the 61st Legislature, Regular  
11 Session, 1969 (Article 4566-1.01 et seq., Vernon's Texas Civil  
12 Statutes).

13 (b) If the board does not approve a rule proposed by a rules  
14 subcommittee, the board shall indicate to the subcommittee the  
15 reasons that the board did not approve the rule and return the rule  
16 to the subcommittee for further development.

17 Sec. 12. RULES SUBCOMMITTEES. (a) Three rules  
18 subcommittees, each consisting of three members of the board, are  
19 established as follows:

20 (1) a rules subcommittee relating to the fitting and  
21 dispensing of hearing aids consisting of the two board members who  
22 are fitters and dispensers of hearing aids and one member who  
23 represents the public;

24 (2) a rules subcommittee relating to audiology  
25 consisting of the two audiologist members and one member who  
26 represents the public; and

27 (3) a rules subcommittee relating to speech-language

1 pathology consisting of the two speech-language pathologist members  
2 and one member who represents the public.

3 (b) A member of the board may not serve on more than one  
4 rules subcommittee.

5 (c) The presiding officer of the board shall designate the  
6 public members of each rules subcommittee.

7 (d) A rules subcommittee shall develop and recommend to the  
8 board for approval rules that regulate the profession to which the  
9 subcommittee relates. A rules subcommittee periodically shall  
10 review board rules relating to the profession to which the  
11 subcommittee relates and shall recommend changes in those rules to  
12 the board. The authority of a rules subcommittee is not affected  
13 by Section 5(f), Administrative Procedure and Texas Register Act  
14 (Article 6252-13a, Vernon's Texas Civil Statutes), and its  
15 subsequent amendments.

16 Sec. 13. EXPENDITURES; AUDIT. (a) The board may authorize,  
17 from funds appropriated to it, all necessary disbursements to carry  
18 out:

19 (1) this article;

20 (2) the speech-language and pathology law, Chapter  
21 381, Acts of the 68th Legislature, Regular Session, 1983 (Article  
22 4512j, Vernon's Texas Civil Statutes), and its subsequent  
23 amendments; and

24 (3) the law relating to the fitting and dispensing of  
25 hearing aids, Chapter 366, Acts of the 61st Legislature, Regular  
26 Session, 1969 (Article 4566-1.01 et seq., Vernon's Texas Civil  
27 Statutes), and its subsequent amendments.

1        (b) The financial transactions of the board are subject to  
2 audit by the state auditor in accordance with Chapter 321,  
3 Government Code, and its subsequent amendments.

4        Sec. 14. ANNUAL FINANCIAL REPORT. The board shall file  
5 annually with the governor and the presiding officer of each house  
6 of the legislature a complete and detailed written report  
7 accounting for all funds received and disbursed by the board during  
8 the preceding fiscal year. The annual report must be in the form  
9 and reported in the time provided by the General Appropriations  
10 Act.

11        Sec. 15. PERSONNEL POLICIES. (a) The director or the  
12 director's designee shall develop an intra-agency career ladder  
13 program. The program shall require intra-agency posting of all  
14 nonentry level positions concurrently with any public posting.

15        (b) The director or the director's designee shall develop a  
16 system of annual performance evaluations based on measurable job  
17 tasks. All merit pay for board employees must be based on the  
18 system established under this subsection.

19        Sec. 16. EQUAL EMPLOYMENT OPPORTUNITY POLICIES. (a) The  
20 director or the director's designee shall prepare and maintain a  
21 written policy statement to assure implementation of a program of  
22 equal employment opportunity under which all personnel transactions  
23 are made without regard to race, color, disability, sex, religion,  
24 age, or national origin. The policy statement must include:

25            (1) personnel policies, including policies relating to  
26 recruitment, evaluation, selection, application, training, and  
27 promotion of personnel that are in compliance with the Commission



1 on Human Rights Act (Article 5221k, Vernon's Texas Civil Statutes)  
2 and its subsequent amendments;

3 (2) a comprehensive analysis of the board workforce  
4 that meets federal and state guidelines;

5 (3) procedures by which a determination can be made of  
6 significant underuse in the board workforce of all persons for whom  
7 federal or state guidelines encourage a more equitable balance; and

8 (4) reasonable methods to appropriately address those  
9 areas of underuse.

10 (b) A policy statement prepared under Subsection (a) of this  
11 section must cover an annual period, be updated annually, be  
12 reviewed by the Commission on Human Rights for compliance with  
13 Subsection (a)(1) of this section, and be filed with the governor's  
14 office.

15 (c) The governor's office shall deliver a biennial report to  
16 the legislature based on the information received under Subsection  
17 (b) of this section. The report may be made separately or as part  
18 of other biennial reports to the legislature.

19 Sec. 17. PUBLIC INTEREST INFORMATION. (a) The board shall  
20 prepare information of public interest describing the functions of  
21 the board and the board's procedures by which complaints are filed  
22 with and resolved by the board. The board shall make the  
23 information available to the public and appropriate state agencies.

24 (b) The board by rule shall establish methods by which  
25 consumers and service recipients are notified of the name, mailing  
26 address, and telephone number of the board for the purpose of  
27 directing complaints to the board. The board may provide for that

1     notification:

2             (1) on each registration form, application, or written  
3     contract for services of an individual or entity regulated by the  
4     board;

5             (2) on a sign prominently displayed in the place of  
6     business of each individual or entity regulated by the board; or

7             (3) in a bill for service provided by an individual or  
8     entity regulated by the board.

9             (c) The board shall list along with its regular telephone  
10    number the toll-free telephone number that may be called to present  
11    a complaint about a health professional if the toll-free number is  
12    established under other state law.

13            Sec. 18. PUBLIC PARTICIPATION IN BOARD HEARINGS. The board  
14    shall develop and implement policies that provide the public with a  
15    reasonable opportunity to appear before the board and to speak on  
16    any issue under the jurisdiction of the board.

17            Sec. 19. PROGRAM ACCESSIBILITY. The board shall prepare and  
18    maintain a written plan that describes how a person who does not  
19    speak English can be provided reasonable access to the board's  
20    programs. The board shall also comply with federal and state laws  
21    for program and facility accessibility.

22            Sec. 20. TRAINING; STANDARDS OF CONDUCT INFORMATION. (a)  
23    Each board member shall comply with the board member training  
24    requirements established by any other state agency that is given  
25    authority to establish the requirements for the board.

26            (b) The board shall provide to its members and employees, as  
27    often as necessary, information regarding their qualifications for

1 office or employment under this article and their responsibilities  
2 under applicable laws relating to standards of conduct for state  
3 officers or employees.

4 Sec. 21. OPEN MEETINGS AND ADMINISTRATIVE PROCEDURE. The  
5 board is subject to:

6 (1) the open meetings law, Chapter 271, Acts of the  
7 60th Legislature, Regular Session, 1967 (Article 6252-17, Vernon's  
8 Texas Civil Statutes), and its subsequent amendments; and

9 (2) the Administrative Procedure and Texas Register  
10 Act (Article 6252-13a, Vernon's Texas Civil Statutes) and its  
11 subsequent amendments.

12 Sec. 22. SUNSET PROVISION. The Board of Examiners for  
13 Speech and Hearing Professionals is subject to Chapter 325,  
14 Government Code (Texas Sunset Act), and its subsequent amendments.  
15 Unless continued in existence as provided by that chapter, the  
16 board is abolished and the following laws expire September 1, 2005:

17 (1) this article;

18 (2) the speech-language and pathology law, Chapter  
19 381, Acts of the 68th Legislature, Regular Session, 1983 (Article  
20 4512j, Vernon's Texas Civil Statutes); and

21 (3) the law relating to the fitting and dispensing of  
22 hearing aids, Chapter 366, Acts of the 61st Legislature, Regular  
23 Session, 1969 (Article 4566-1.01 et seq., Vernon's Texas Civil  
24 Statutes).

25 ARTICLE 2. SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

26 SECTION 2.01. Section 2, Chapter 381, Acts of the 68th  
27 Legislature, Regular Session, 1983 (Article 4512j, Vernon's Texas

Civil Statutes), is amended to read as follows:

Sec. 2. DEFINITIONS. In this Act:

(1) "Board" means the ~~[Texas]~~ Board of Examiners for Speech and Hearing Professionals ~~[Health]~~.

(2) ~~["Committee"--means---the---State---Committee---of Examiners-for-Speech-Language-Pathology-and-Audiology-~~

~~[+3]--"Department"---means---the--Texas--Department--of Health-~~

~~[+4]~~ "Person" means an individual, corporation, partnership, or other legal entity.

(3) ~~[+5]~~ "Speech-language pathologist" means an individual who practices speech-language pathology, who makes a nonmedical evaluation, who examines, counsels, or provides habilitative or rehabilitative services for persons who have or are suspected of having speech, voice, or language disorders, and who meets the qualifications set forth in this Act.

(4) ~~[+6]~~ "The practice of speech-language pathology" means the application of nonmedical principles, methods, and procedures for the measurement, testing, evaluation, prediction, counseling, habilitation, rehabilitation, or instruction related to the development and disorders of speech, voice, or language for the purpose of rendering or offering to render an evaluation, prevention, or modification of these disorders and conditions in individuals or groups of individuals. Speech-language pathologists may perform the basic audiometric screening tests and hearing therapy procedures consistent with their training.

(5) ~~[+7]~~ "Audiologist" means a person who practices

1     audiology, who makes a nonmedical evaluation, who examines,  
2     counsels, or provides habilitative or rehabilitative services for  
3     persons who have or are suspected of having a hearing disorder, and  
4     who meets the qualifications set forth in this Act.

5             (6) [~~†8†~~] "The practice of audiology" means the  
6     application of nonmedical principles, methods, and procedures for  
7     the measurement, testing, appraisal, prediction, consultation,  
8     counseling, habilitation, rehabilitation, or instruction related to  
9     hearing and disorders of hearing and for the purpose of rendering  
10    or offering to render services modifying communicative disorders  
11    involving speech, language, auditory function, or other aberrant  
12    behavior relating to hearing loss. An audiologist may engage in  
13    any tasks, procedures, acts, or practices that are necessary (A)  
14    for the evaluation of hearing; (B) for training in the use of  
15    amplification including hearing aids; or (C) for the making of  
16    earmolds for hearing aids. An audiologist may participate in  
17    consultation regarding noise control and hearing conservation, may  
18    provide evaluations of environment or equipment including  
19    calibration of equipment used in testing auditory functioning and  
20    hearing conservation, and may perform the basic speech and language  
21    screening tests and procedures consistent with his or her training.

22             (7) [~~†9†~~] "Speech-language pathology aide" means a  
23    person who meets minimum qualifications which the board [~~committee~~]  
24    may establish for speech-language pathology aides and who works  
25    under the direction of a licensed speech-language pathologist. The  
26    qualifications for licensure as a speech-language pathology aide  
27    shall be uniform and shall be less than those established by this

1 Act as necessary for licensure as a speech-language pathologist.

2 (8) [~~10~~] "Audiology aide" means a person who meets  
3 minimum qualifications which the board [~~committee~~] may establish  
4 for audiology aides and who works under the direction of a licensed  
5 audiologist. The qualifications for licensure as an audiology aide  
6 shall be uniform and shall be less than those established by this  
7 Act as necessary for licensure as an audiologist.

8 SECTION 2.02. Section 5, Chapter 381, Acts of the 68th  
9 Legislature, Regular Session, 1983 (Article 4512j, Vernon's Texas  
10 Civil Statutes), is amended to read as follows:

11 Sec. 5. DUTIES AND POWERS OF THE BOARD [~~COMMITTEE~~]. (a)  
12 The board [~~Subject-to-the-approval-of--the--board,--the--committee~~]  
13 shall adopt rules necessary to administer and enforce this Act,  
14 including rules that establish standards of ethical practice.

15 (b) The board [~~With-the-assistance-of--the--department,--the~~  
16 ~~committee~~] shall administer, coordinate, and enforce the provisions  
17 of this Act; evaluate the qualifications of applicants; provide for  
18 the examination of applicants; and issue subpoenas, examine  
19 witnesses, and administer oaths under the laws of the State of  
20 Texas.

21 (c) The board [~~With-the-assistance-of-the-department-and-in~~  
22 ~~accordance-with-the-Administrative--Procedure--and--Texas--Register~~  
23 ~~Act,--as-amended-(Article-6252-13a,--Vernon's-Texas-Civil-Statutes),~~  
24 ~~the-committee~~] shall [~~conduct--hearings--and~~] keep records and  
25 minutes necessary to the orderly administration of this Act.

26 (d) The board [~~The-committee-with-the-aid-of-the-department~~]  
27 shall investigate persons engaging in practices that violate the

1 provisions of this Act.

2 (e) A person who holds a license to practice speech-language  
3 pathology or audiology in this state is governed and controlled by  
4 the rules adopted by the ~~[committee-and-approved-by-the]~~ board ~~[of~~  
5 ~~health]~~.

6 (f) The conferral or enumeration of specific powers  
7 elsewhere in this Act shall not be construed as a limitation of the  
8 general powers conferred by this section.

9 ~~[(g)--The--committee--shall--be--represented--by--the--attorney~~  
10 ~~general--and--the--district--and--county--attorneys--of--this--state--~~

11 ~~[(h)--The--committee--may--appoint--subcommittees--to--work--under~~  
12 ~~its--jurisdiction,--subject--to--the--approval--of--the--board--]~~

13 SECTION 2.03. Sections 9(b) and (1), Chapter 381, Acts of  
14 the 68th Legislature, Regular Session, 1983 (Article 4512j,  
15 Vernon's Texas Civil Statutes), are amended to read as follows:

16 (b) This Act does not prevent or restrict the activities and  
17 services and the use of an official title by persons holding a  
18 valid and current certification in speech and hearing therapy from  
19 the Central Education Agency if those persons perform  
20 speech-language pathology or audiology services solely as a part of  
21 their duties within an agency, institution, or organization under  
22 the jurisdiction of the Central Education Agency. If persons  
23 affected by this subsection perform work as a speech-language  
24 pathologist or audiologist apart from their positions within an  
25 agency, institution, or organization of the Central Education  
26 Agency, they must have a license issued by the board ~~[committee]~~,  
27 except that a person affected by this subsection may perform speech

1 and hearing screening procedures without compensation without  
2 having a license issued by the board [~~committee~~].

3 (1) This Act does not prevent or restrict a person licensed  
4 by the board [~~Texas--Board--of--Examiners--in--the--Fitting--and~~  
5 ~~Dispensing-of-Hearing--Aids~~] from engaging in the practice of  
6 fitting and dispensing hearing aids.

7 SECTION 2.04. Section 10, Chapter 381, Acts of the 68th  
8 Legislature, Regular Session, 1983 (Article 4512j, Vernon's Texas  
9 Civil Statutes), is amended to read as follows:

10 Sec. 10. QUALIFICATION OF APPLICANTS FOR LICENSE; INTERN  
11 LICENSE. (a) To be eligible for licensing as a speech-language  
12 pathologist or audiologist, an applicant must:

13 (1) possess at least a master's degree with a major in  
14 speech-language pathology or audiology from an accredited or  
15 approved college or university;

16 (2) submit transcripts from one or more colleges or  
17 universities showing successful completion of course work in  
18 amounts set by the [~~committee-with-the-approval-of--the~~] board in  
19 the following areas:

20 (A) information about normal development and use  
21 of speech, language, and hearing;

22 (B) information about evaluation, habilitation,  
23 and rehabilitation of speech, language, and hearing disorders; and

24 (C) information pertaining to related fields  
25 that augment the work of clinical practitioners of speech-language  
26 pathology and audiology;

27 (3) have successfully completed at least 30 semester



1 hours in courses that are acceptable toward a graduate degree by  
2 the college or university in which they are taken, at least 21 of  
3 which are within the professional area for which the license is  
4 requested and at least six of which are in audiology for the  
5 applicant for a speech-language pathology license or in  
6 speech-language pathology for the applicant for a license in  
7 audiology;

8 (4) have completed a minimum of 300 clock hours of  
9 supervised clinical experience with individuals who present a  
10 variety of communication disorders, and this experience must have  
11 been obtained within his or her training institution or in one of  
12 its cooperating programs and under the supervision of a person  
13 holding a valid license to practice speech-language pathology or  
14 audiology, provided during the first year of this Act, the  
15 supervision may be under a person who would have met the  
16 qualifications for a license under this Act; and

17 (5) have obtained the equivalent of nine months of  
18 full-time supervised professional experience in which bona fide  
19 clinical work has been accomplished in the major professional area  
20 for which the license is being sought, under the supervision of a  
21 qualified person acceptable to the board [~~committee~~] pursuant to  
22 guidelines approved by the board which experience must have begun  
23 after completion of the academic and clinical experience required  
24 by this section.

25 (b) An applicant who has completed the requirements for a  
26 master's degree required for a license under this Act but who has  
27 not had the degree officially conferred on the applicant may be

1 licensed as an intern under this Act if the applicant meets all  
2 other requirements of Subsection (a) of this section. The board by  
3 rule shall prescribe the terms by which an applicant may practice  
4 under an intern's license under this subsection.

5 SECTION 2.05. Section 11, Chapter 381, Acts of the 68th  
6 Legislature, Regular Session, 1983 (Article 4512j, Vernon's Texas  
7 Civil Statutes), is amended to read as follows:

8 Sec. 11. APPLICATION FOR LICENSE. Each person desiring a  
9 license under this Act shall make application to the board  
10 [~~committee~~] on a form and in the manner the board [~~committee~~]  
11 prescribes. The application shall be accompanied by the  
12 application fee which may not be refunded by the board [~~committee~~].

13 SECTION 2.06. Section 12, Chapter 381, Acts of the 68th  
14 Legislature, Regular Session, 1983 (Article 4512j, Vernon's Texas  
15 Civil Statutes), is amended to read as follows:

16 Sec. 12. EXAMINATION. (a) Each applicant shall be examined  
17 by the board [~~committee~~] and shall pay to the board [~~committee~~], at  
18 least 30 days prior to the date of examination, a nonrefundable  
19 examination fee prescribed by the board [~~committee~~]. The  
20 examination shall be given at least twice each year at a time and  
21 place established by and under the supervision of the board  
22 [~~committee~~].

23 (b) The board by rule may establish procedures for the  
24 administration of the examination. The board [~~committee~~] may  
25 examine by written or oral examination or by both. The board shall  
26 have the written portion of the examination, if any, validated by  
27 an independent testing professional. The board [~~committee~~] shall

1 maintain a record of all examination scores for at least two years  
2 after the date of examination.

3 (c) Standards for acceptable performance shall be determined  
4 by the board [~~committee~~].

5 (d) The board [~~committee~~] may examine in whatever  
6 theoretical or applied fields of speech-language pathology or  
7 audiology it deems appropriate. It may examine the candidates with  
8 regard to their professional skills and their judgment in the  
9 utilization of speech-language pathology or audiology techniques or  
10 methods.

11 (e) Persons who fail the examination may be examined at a  
12 subsequent time if they pay another nonrefundable examination fee.  
13 No applicant who has taken and failed to pass two examinations may  
14 take the examination until the person has submitted a new  
15 application together with a nonrefundable application fee and  
16 presented evidence to the board [~~committee~~] of additional study in  
17 the area for which licensure is sought. If requested in writing by  
18 a person who fails a licensing examination administered under this  
19 Act, the board shall furnish the person with an analysis of the  
20 person's performance on the examination.

21 (f) Not later than the 30th day after the date on which a  
22 licensing examination is administered under this Act, the board  
23 shall notify each examinee of the results of the examination.  
24 However, if an examination is graded or reviewed by a national  
25 testing service, the board shall notify examinees of the results of  
26 the examination not later than the 14th day after the date on which  
27 the board receives the results from the testing service. If the

1 notice of examination results graded or reviewed by a national  
2 testing service will be delayed for longer than 90 days after the  
3 examination date, the board shall notify the examinee of the reason  
4 for the delay before the 90th day. [~~The-committee-may-waive-the~~  
5 ~~examination-for-applicants-who:~~

6 [~~(1)--present-proof-of--current--licensure--in--another~~  
7 ~~state,--including--the--District--of--Columbia,--or--territory--of--the~~  
8 ~~United-States-which-maintains-professional-standards-considered--by~~  
9 ~~the-committee-to-be-equivalent-to-those-set-forth-in-this-Act,--or~~

10 [~~(2)--hold--the--Certificate--of--Clinical--Competence--of~~  
11 ~~the-American-Speech-Language-Hearing-Association-in--the--area--for~~  
12 ~~which-a-license-is-being-sought.]~~

13 SECTION 2.07. The heading of Section 13, Chapter 381, Acts  
14 of the 68th Legislature, Regular Session, 1983 (Article 4512j,  
15 Vernon's Texas Civil Statutes), is amended to read as follows:

16 Sec. 13. PRIOR LICENSING UNDER SPECIAL CONDITIONS.

17 SECTION 2.08. Sections 13(a) and (b), Chapter 381, Acts of  
18 the 68th Legislature, Regular Session, 1983 (Article 4512j,  
19 Vernon's Texas Civil Statutes), are amended to read as follows:

20 (a) On [~~The---committee---on~~] request the [~~must--waive~~  
21 educational, professional experience, and examination requirements  
22 for licensure in speech-language pathology were waived for  
23 applicants who held [~~held~~] a baccalaureate or graduate degree, were  
24 [~~are~~] fully certified by the Central Education Agency in speech and  
25 hearing therapy or [~~in-the-judgment--of--the--committee--have~~] met  
26 equivalent requirements, and within two years prior to the  
27 effective date of this Act were engaged in the practice of speech

1 pathology on proof of bona fide practice of speech pathology,  
2 presented [~~to-the-committee~~] in the manner prescribed by rule [~~the~~  
3 ~~committee's--rules~~], provided they filed [~~file~~] an application for  
4 licensure [~~with-the--committee--or--the--board--of--health~~] before  
5 January 1, 1986. Such licenses [~~shall-be-issued-without-delay-and~~]  
6 shall be renewed in the same manner as licenses granted under other  
7 provisions of this Act.

8 (b) On [~~The---committee--on~~] request the [~~shall--waive~~]  
9 educational and professional experience requirements for a license  
10 in audiology were waived for an applicant who, on the effective  
11 date of this Act, held [~~holds~~] a graduate degree from an accredited  
12 institution of higher education with a major in speech-language  
13 pathology or audiology, and was [~~has-been~~] continuously engaged in  
14 the practice of audiology for ten years immediately preceding the  
15 effective date of this Act, provided the applicant filed [~~files~~] an  
16 application for licensure [~~with-the-committee~~] on or before January  
17 1, 1986. Such an applicant must have passed [~~pass~~] the licensing  
18 examination under Section 12 of this Act not later than August 31,  
19 1986.

20 SECTION 2.09. Chapter 381, Acts of the 68th Legislature,  
21 Regular Session, 1983 (Article 4512j, Vernon's Texas Civil  
22 Statutes), is amended by adding Section 13A and by amending and  
23 redesignating Sections 13(c) and (d) as Sections 13A(a) and (e) to  
24 read as follows:

25 Sec. 13A. PROVISIONAL LICENSE; OTHER LICENSE WITHOUT  
26 EXAMINATION. (a) [~~te~~] The board [~~committee~~] may [~~waive--the~~  
27 ~~examination--and~~] grant a provisional license [~~licensure~~] to an

1 applicant who presents proof of current licensure in another state,  
2 including the District of Columbia, or territory of the United  
3 States which maintains professional standards considered by the  
4 board [committee] to be equivalent to those set forth in this Act.  
5 An applicant for a provisional license under this section must:

6 (1) be licensed in good standing as a speech-language  
7 pathologist or an audiologist in another state, the District of  
8 Columbia, or a territory of the United States that has licensing  
9 requirements that are substantially equivalent to the requirements  
10 of this Act;

11 (2) have passed a national or other examination  
12 recognized by the board relating to speech-language pathology or  
13 audiology; and

14 (3) be sponsored by a person licensed by the board  
15 under this Act with whom the provisional license holder may  
16 practice under this section.

17 (b) An applicant for a provisional license may be excused  
18 from the requirement of Subsection (a)(3) of this section if the  
19 board determines that compliance with that subsection constitutes a  
20 hardship to the applicant.

21 (c) A provisional license is valid until the date the board  
22 approves or denies the provisional license holder's application for  
23 a license. The board shall issue a license under this Act to the  
24 holder of a provisional license under this section if:

25 (1) the provisional license holder passes the  
26 examination required by Section 12 of this Act;

27 (2) the board verifies that the provisional license

1 holder has the academic and experience requirements for a license  
2 under this Act; and

3 (3) the provisional license holder satisfies any other  
4 license requirements under this Act.

5 (d) The board must complete the processing of a provisional  
6 license holder's application for a license not later than the 180th  
7 day after the date the provisional license is issued.

8 (e) [†d] The board [~~committee~~] may waive the examination  
9 and grant licensure to an applicant who holds the Certificate of  
10 Clinical Competence of the American Speech-Language Hearing  
11 Association or has met equivalent requirements in the area for  
12 which a license is sought.

13 SECTION 2.10. Sections 14(a), (c), and (d), Chapter 381,  
14 Acts of the 68th Legislature, Regular Session, 1983 (Article 4512j,  
15 Vernon's Texas Civil Statutes), are amended to read as follows:

16 (a) The board [~~committee~~] shall issue a license to an  
17 applicant who meets the requirements of this Act and who pays to  
18 the board [~~committee~~] the initial nonrefundable license fee.

19 (c) On receiving an application provided for under  
20 Subsection (b) of this section accompanied by the nonrefundable  
21 application fee, the board [~~committee~~] shall issue a temporary  
22 certificate of registration which entitles the applicant to  
23 practice audiology or speech-language pathology for a period ending  
24 eight weeks after the conclusion of the next examination given  
25 after the date of issue.

26 (d) The board by rule may adopt a system under which  
27 licenses expire on various dates during the year. For the year in

1 which the license expiration date is changed, license fees payable  
2 on the original expiration date shall be prorated on a monthly  
3 basis so that each licensee shall pay only that portion of the  
4 license fee that is allocable to the number of months during which  
5 the license is valid. On renewal of the license on the new  
6 expiration date, the total license renewal fee is payable [All  
7 ~~licenses--expire--and--become--invalid--one--year--from--the--date--of~~  
8 ~~issuance--if--not--renewed~~].

9 SECTION 2.11. Chapter 381, Acts of the 68th Legislature,  
10 Regular Session, 1983 (Article 4512j, Vernon's Texas Civil  
11 Statutes), is amended by adding Section 14A to read as follows:

12 Sec. 14A. TEMPORARY LICENSE; INACTIVE STATUS. (a) The  
13 board by rule may provide for the issuance of a temporary license.

14 (b) The board by rule may provide for a person who holds a  
15 license under this Act to be placed on inactive status. Rules  
16 adopted under this section shall include a time limit for a license  
17 holder to remain on inactive status.

18 SECTION 2.12. Section 15, Chapter 381, Acts of the 68th  
19 Legislature, Regular Session, 1983 (Article 4512j, Vernon's Texas  
20 Civil Statutes), is amended to read as follows:

21 Sec. 15. RENEWAL OF LICENSE. (a) A person may renew an  
22 unexpired license by paying to the board before the expiration of  
23 the license the required renewal fee.

24 (b) If a person's license has been expired for 90 days or  
25 less, the person may renew the license by paying to the board the  
26 required renewal fee and a fee that is one-half of the examination  
27 fee for the license.



1       (c) If a person's license has been expired for longer than  
2 90 days but less than one year, the person may renew the license by  
3 paying to the board all unpaid renewal fees and a fee that is equal  
4 to the examination fee for the license [~~Each--licensed~~  
5 ~~speech-language-pathologist-or-audiologist-shall-annually-pay--the~~  
6 ~~nonrefundable--renewal--fee-for-a-renewal-of-his-license--A-60-day~~  
7 ~~grace-period-shall-be--allowed.---After--expiration--of--the--grace~~  
8 ~~period,--the--committee--may--renew-each-license-after-payment-of-a~~  
9 ~~penalty-set-by-the-rules--No-person-who-applies-for-renewal-within~~  
10 ~~two-years-after-the-date--of--expiration--of--the--license--may--be~~  
11 ~~required-to-submit-to-an-examination-as-a-condition-to-renewal~~].

12       (d) If a person's [~~(b)--Persons--who-fail-to-renew-their~~  
13 ~~license has been expired for one year or longer, the person~~ [~~within~~  
14 ~~two-years-after-the-date-of--its--expiration~~] may not renew the  
15 license [~~it,--and--it-may-not-be-restored,--reissued,--or-reinstated~~  
16 ~~thereafter,--but-those-persons--may--apply--for--and--obtain--a--new~~  
17 ~~license-if-they-meet-the-requirements-of-this-Act~~]. The person may  
18 obtain a new license by submitting to reexamination and complying  
19 with the requirements and procedures for obtaining an original  
20 license. However, the board may renew without reexamination an  
21 expired license of a person who was licensed in this state, moved  
22 to another state, and is currently licensed and has been in  
23 practice in the other state for the two years preceding  
24 application. The person must pay to the board a fee that is equal  
25 to the examination fee for the license.

26       (e) At least 30 days before the expiration of a person's  
27 license, the board shall send written notice of the impending

1 license expiration to the person at the licensee's last known  
2 address according to the records of the board.

3 (f) The board by rule shall establish a minimum number of  
4 hours of continuing education required to renew a license under  
5 this Act. The board may assess the continuing education needs of  
6 license holders and may require license holders to attend  
7 continuing education courses specified by the board. The board by  
8 rule shall develop a process to evaluate and approve continuing  
9 education courses.

10 (g) The board shall identify the key factors for the  
11 competent performance by a license holder of the license holder's  
12 professional duties. The board shall adopt a procedure to assess a  
13 license holder's participation in continuing education programs.

14 ~~[(e)--Within-three-years-of-the-effective-date-of--this--Act,~~  
15 ~~renewal--of--a--license--is--contingent--on-the-applicant's-meeting~~  
16 ~~uniform--continuing--education--requirements--established--by--the~~  
17 ~~committee.--These-continuing-education-requirements-must-be-of-such~~  
18 ~~a--nature--that--they--can-be-met-without-necessitating-an-extended~~  
19 ~~absence-from--the--licensee's--county--of--residence.----Notice--of~~  
20 ~~continuing--education--requirements--shall--be--sent-to-all-persons~~  
21 ~~licensed-under-this-Act-at-least-12-months-prior-to-the--time--that~~  
22 ~~the--person's--license--renewal--is--dependent-on-completion-of-the~~  
23 ~~requirements.--Continuing-education-requirements-shall-be--sent--to~~  
24 ~~new--applicants--with--the--forms--on--which--they-are-to-apply-for~~  
25 ~~licensure.--Notification--or--changes--in--continuing--education~~  
26 ~~requirements--shall--be--sent-to-persons-licensed-under-this-Act-at~~  
27 ~~least-one-year-prior-to-the-date--on--which--the--new--requirements~~

1     ~~become-effective.]~~

2             (h) [(d)] A suspended license is subject to expiration and  
3     may be renewed as provided in this Act, but the renewal does not  
4     entitle the licensee, while the license remains suspended and until  
5     it is reinstated, to engage in the licensed activity or in any  
6     other activity or conduct in violation of the order or judgment by  
7     which the license was suspended. A license revoked on disciplinary  
8     grounds is subject to expiration as provided in this Act, but it  
9     may not be renewed. If it is reinstated after its expiration, the  
10    licensee as a condition of reinstatement shall pay a reinstatement  
11    fee in an amount equal to the renewal fee in effect on the last  
12    preceding regular renewal date before the date on which it is  
13    reinstated, plus the delinquency fee, if any, accrued at the time  
14    of the license revocation.

15            SECTION 2.13.     Section 16, Chapter 381, Acts of the 68th  
16    Legislature, Regular Session, 1983 (Article 4512j, Vernon's Texas  
17    Civil Statutes), is amended to read as follows:

18            Sec. 16. FEES.    ~~[The amount of fees initially prescribed in~~  
19    ~~connection with a license as a speech language pathologist or~~  
20    ~~audiologist may not exceed the following:~~

21            [(1)--application fee:-----\$75

22            [(2)--examination fee:-----\$50

23            [(3)--initial license fee:----\$75

24            [(4)--license renewal fee:----\$75

25            [(5)--delinquency fee:-----\$50

26            [(6)--temporary license fee:--\$25

27            [(7)--duplicate license fee:--\$10]

1 The board [~~committee~~] by rule shall establish reasonable and  
2 necessary fees so that the fees, in the aggregate, produce  
3 sufficient revenue to cover the cost of administering this Act.  
4 The[~~7--and--such~~] fees set by the board may [~~shall~~] be adjusted so  
5 that the total fees collected shall be sufficient to meet the  
6 expenses of administering this Act [~~and--so--that--unnecessary~~  
7 surpluses--in--the--fund-provided-for-in-Section-20-of-this-Act-are  
8 avoided]. The board may not set a fee for an amount less than the  
9 amount of that fee on September 1, 1993.

10 SECTION 2.14. Section 17, Chapter 381, Acts of the 68th  
11 Legislature, Regular Session, 1983 (Article 4512j, Vernon's Texas  
12 Civil Statutes), is amended to read as follows:

13 Sec. 17. DENIAL, SUSPENSION, AND REVOCATION. (a) The board  
14 [~~committee~~] may refuse to issue a license to an applicant or may  
15 suspend or revoke the license of any licensee for any of the  
16 following causes:

17 (1) obtaining a license by means of fraud,  
18 misrepresentation, or concealment of material facts;

19 (2) selling, bartering, or offering to sell or barter  
20 a license or certificate of registration;

21 (3) unprofessional conduct that has endangered or is  
22 likely to endanger the health, welfare, or safety of the public as  
23 defined by the rules established by the board [~~committee~~] or  
24 violation of the code of ethics adopted and published by the board  
25 [~~committee~~];

26 (4) violating any lawful order or rule rendered or  
27 adopted by the board [~~committee~~]; or

1 (5) violating any provisions of this Act.

2 (b) The board [~~committee~~] shall deny an application for or  
3 suspend or revoke or impose probationary conditions on a license as  
4 ordered by the board [~~committee~~] in any decision made after hearing  
5 as provided in this Act. One year from the date of revocation of a  
6 license under this Act, application may be made to the board  
7 [~~committee~~] for reinstatement. The board [~~committee~~] shall have  
8 discretion to accept or reject an application for reinstatement and  
9 may require an examination for the reinstatement.

10 (c) A plea or verdict of guilty or a conviction following a  
11 plea of nolo contendere made to a charge of a felony or of an  
12 offense involving moral turpitude is deemed to be a conviction  
13 within the meaning of this Act. At the direction of the board  
14 [~~committee~~] the license may be suspended or revoked or the board  
15 [~~committee~~] may decline to issue a license when the time for appeal  
16 of the conviction has elapsed or the judgment or conviction has  
17 been affirmed on appeal, or when an order granting probation is  
18 made suspending the imposition of sentence irrespective of a  
19 subsequent order allowing a person to withdraw his or her plea of  
20 guilty, or setting aside the verdict of guilty, or dismissing the  
21 information or indictment.

22 (d) In addition to the other disciplinary actions authorized  
23 by this section, the board may issue a written reprimand to a  
24 license holder who violates this Act or require that a license  
25 holder who violates this Act participate in continuing education  
26 programs. The board shall specify the continuing education  
27 programs that may be attended and the number of hours that must be

1 completed by an individual license holder to fulfill the  
2 requirements of this subsection.

3 (e) If a license suspension is probated, the board may  
4 require the license holder to:

5 (1) report regularly to the board on matters that are  
6 the basis of the probation;

7 (2) limit practice to the areas prescribed by the  
8 board; or

9 (3) continue or review continuing professional  
10 education until the license holder attains a degree of skill  
11 satisfactory to the board in those areas that are the basis of the  
12 probation.

13 (f) The schedule of sanctions adopted by the board by rule  
14 shall be used by the State Office of Administrative Hearings for  
15 any sanction imposed as the result of a hearing conducted by that  
16 office.

17 SECTION 2.15. Section 18(b), Chapter 381, Acts of the 68th  
18 Legislature, Regular Session, 1983 (Article 4512j, Vernon's Texas  
19 Civil Statutes), is amended to read as follows:

20 (b) If a person other than a licensed speech-language  
21 pathologist or audiologist has engaged in any act or practice which  
22 constitutes an offense under this Act, a district court of any  
23 county on application of the board [~~committee~~] may issue an  
24 injunction or other appropriate order restraining such conduct.

25 SECTION 2.16. Section 19, Chapter 381, Acts of the 68th  
26 Legislature, Regular Session, 1983 (Article 4512j, Vernon's Texas  
27 Civil Statutes), is amended to read as follows:

1           Sec. 19. PROCEDURES FOR DENIAL, REVOCATION, OR SUSPENSION OF  
2 A LICENSE. (a) A person whose application for a license is denied  
3 is entitled to a hearing before the State Office of Administrative  
4 Hearings [committee] if such person submits a written request to  
5 the board [committee].

6           (b) Proceedings for revocation or suspension of a license  
7 shall be commenced by filing charges with the board [committee] in  
8 writing and under oath. The charges may be made by any person or  
9 persons.

10           (c) [~~The chairperson of the committee shall fix a time and~~  
11 ~~place for a hearing and shall cause a written copy of the charges~~  
12 ~~or reason for denial of a license, together with a notice of the~~  
13 ~~time and place fixed for the hearing, to be served on the applicant~~  
14 ~~requesting the hearing or the licensee against whom the charges~~  
15 ~~have been filed at least 20 days prior to the date set for the~~  
16 ~~hearing. Service of charges and notice of hearing may be given by~~  
17 ~~certified mail to the last known address of the licensee or~~  
18 ~~applicant.~~

19           [~~d~~]--At the hearing the applicant or licensee has the right  
20 to appear either personally or by counsel or both, to produce  
21 witnesses, to have subpoenas issued by the committee, and to  
22 cross-examine opposing or adverse witnesses.

23           [~~e~~] The board [committee] shall [~~determine the charges on~~  
24 ~~their merits and~~] enter an order in a permanent record setting  
25 forth the findings of fact and law and the action taken by the  
26 State Office of Administrative Hearings. A copy of the order [~~of~~  
27 ~~the committee~~] shall be mailed to the applicant or licensee at his

1 or her last known address by certified mail.

2 (d) [~~f~~] An individual whose application for a license has  
3 been refused or whose license has been cancelled, revoked, or  
4 suspended by the board [~~committee~~] may take an appeal, within 20  
5 days after the order is entered by the State Office of  
6 Administrative Hearings, to any district court of Travis County or  
7 to any district court of the county of his or her residence.

8 (e) [~~g~~] In all appeals prosecuted in any of the courts of  
9 this state pursuant to the provisions of this Act, such trials  
10 shall be de novo as that term is used and understood in appeals  
11 from justice of the peace courts. Under no circumstances shall the  
12 substantial evidence rule as interpreted and applied by the courts  
13 in Texas in other cases ever be used or applied to appeals  
14 prosecuted under the provisions of this Act.

15 (f) [~~h~~] All proceedings under this Act shall conform to  
16 the requirements of the Administrative Procedure and Texas Register  
17 Act, as amended (Article 6252-13a [~~6252-13g~~], Vernon's Texas Civil  
18 Statutes), except as modified by this section.

19 SECTION 2.17. Section 20, Chapter 381, Acts of the 68th  
20 Legislature, Regular Session, 1983 (Article 4512j, Vernon's Texas  
21 Civil Statutes), is amended to read as follows:

22 Sec. 20. DISPOSITION OF FUNDS RECEIVED. (a) All funds  
23 received by the board [~~committee~~] under this Act shall be deposited  
24 in accordance with applicable state law in the State Treasury in a  
25 separate fund to be known as the speech-language pathology and  
26 audiology fund and be appropriated to the board [~~Texas--Department~~  
27 ~~of-Health~~] solely for administration of this Act.



1           (b) All [~~After--August--31,--1984,--all~~] expenses for the  
2 administration of the Act shall be paid from fees collected by the  
3 board [~~committee~~] under this Act.

4           ~~[(c)--There---is---hereby---appropriated---\$80,000---to---the~~  
5 ~~speech-language-pathology-and-audiology-fund-for-the-implementation~~  
6 ~~of-this-Act,--said-funds-coming-from-the-General--Revenue--Fund--for~~  
7 ~~the--first--year-provided-that-the-first-\$80,000-of-application-and~~  
8 ~~license-fees-shall-be-retained-to-the-General-Revenue-Fund-as--they~~  
9 ~~are-received.]~~

10           SECTION 2.18. Chapter 381, Acts of the 68th Legislature,  
11 Regular Session, 1983 (Article 4512j, Vernon's Texas Civil  
12 Statutes), is amended by adding Section 23 to read as follows:

13           Sec. 23. COMPLAINT PROCEDURE IN GENERAL. (a) The board  
14 shall keep an information file about each complaint filed with the  
15 board. The board's information file shall be kept current and  
16 contain a record for each complaint of:

17                   (1) all persons contacted in relation to the  
18 complaint;

19                   (2) a summary of findings made at each step of the  
20 complaint process;

21                   (3) an explanation of the legal basis and reason for a  
22 complaint that is dismissed; and

23                   (4) other relevant information.

24           (b) If a written complaint is filed with the board that the  
25 board has authority to resolve, the board, at least as frequently  
26 as quarterly and until final disposition of the complaint, shall  
27 notify the parties to the complaint of the status of the complaint

1 unless the notice would jeopardize an undercover investigation.

2 (c) The board by rule shall adopt a form to standardize  
3 information concerning complaints made to the board. The board by  
4 rule shall prescribe information to be provided to a person when  
5 the person files a complaint with the board.

6 (d) The board shall provide reasonable assistance to a  
7 person who wishes to file a complaint with the board.

8 SECTION 2.19. Chapter 381, Acts of the 68th Legislature,  
9 Regular Session, 1983 (Article 4512j, Vernon's Texas Civil  
10 Statutes), is amended by adding Sections 24 and 25 to read as  
11 follows:

12 Sec. 24. COMPLAINT INVESTIGATION AND DISPOSITION. (a) The  
13 board shall adopt rules concerning the investigation of a complaint  
14 filed with the board. The rules adopted under this subsection  
15 shall:

16 (1) distinguish between categories of complaints;  
17 (2) ensure that complaints are not dismissed without  
18 appropriate consideration;

19 (3) require that the board be advised of a complaint  
20 that is dismissed and that a letter be sent to the person who filed  
21 the complaint explaining the action taken on the dismissed  
22 complaint;

23 (4) ensure that the person who filed the complaint has  
24 an opportunity to explain the allegations made in the complaint;  
25 and

26 (5) prescribe guidelines concerning the categories of  
27 complaints that require the use of a private investigator and the

1 procedures for the board to obtain the services of a private  
2 investigator.

3 (b) The board shall dispose of all complaints in a timely  
4 manner. The board shall establish a schedule for conducting each  
5 phase of a complaint that is under the control of the board not  
6 later than the 30th day after the date the complaint is received by  
7 the board. The schedule shall be kept in the information file for  
8 the complaint and all parties shall be notified of the projected  
9 time requirements for pursuing the complaint. A change in the  
10 schedule must be noted in the complaint information file and all  
11 parties to the complaint must be notified not later than the  
12 seventh day after the date the change is made.

13 (c) The director of the board shall notify the board of a  
14 complaint that extends beyond the time prescribed by the board for  
15 resolving the complaint so that the board may take necessary action  
16 on the complaint.

17 Sec. 25. INFORMAL PROCEEDINGS. (a) The board by rule shall  
18 adopt procedures governing:

19 (1) informal disposition of a contested case under  
20 Section 13(e), Administrative Procedure and Texas Register Act  
21 (Article 6252-13a, Vernon's Texas Civil Statutes), and its  
22 subsequent amendments; and

23 (2) informal proceedings held in compliance with  
24 Section 18(c), Administrative Procedure and Texas Register Act  
25 (Article 6252-13a, Vernon's Texas Civil Statutes), and its  
26 subsequent amendments.

27 (b) Rules adopted under this section must provide the

1 complainant and the licensee an opportunity to be heard and must  
2 require the presence of a representative of the office of the  
3 attorney general to advise the board or board's employees.

4 SECTION 2.20. Chapter 381, Acts of the 68th Legislature,  
5 Regular Session, 1983 (Article 4512j, Vernon's Texas Civil  
6 Statutes), is amended by adding Section 25 to read as follows:

7 Sec. 25. MONITORING OF LICENSE HOLDER. The board by rule  
8 shall develop a system for monitoring license holders' compliance  
9 with the requirements of this Act. Rules adopted under this  
10 section shall include procedures for monitoring a license holder  
11 who is ordered by the board to perform certain acts to ascertain  
12 that the license holder performs the required acts and to identify  
13 and monitor license holders who represent a risk to the public.

14 SECTION 2.21. Chapter 381, Acts of the 68th Legislature,  
15 Regular Session, 1983 (Article 4512j, Vernon's Texas Civil  
16 Statutes), is amended by adding Section 26 to read as follows:

17 Sec. 26. COMPETITIVE BIDDING; ADVERTISING. (a) The board  
18 may not adopt rules restricting competitive bidding or advertising  
19 by a person regulated by the board except to prohibit false,  
20 misleading, or deceptive practices by the person.

21 (b) The board may not include in its rules to prohibit  
22 false, misleading, or deceptive practices by a person regulated by  
23 the board a rule that:

- 24 (1) restricts the use of any medium for advertising;  
25 (2) restricts the person's personal appearance or use  
26 of the person's voice in an advertisement;  
27 (3) relates to the size or duration of an

1 advertisement by the person; or

2 (4) restricts the person's advertisement under a trade  
3 name.

4 ARTICLE 3. FITTERS AND DISPENSERS OF HEARING AIDS

5 SECTION 3.01. Section 1(a), Chapter 366, Acts of the 61st  
6 Legislature, Regular Session, 1969 (Article 4566-1.01, Vernon's  
7 Texas Civil Statutes), is amended to read as follows:

8 (a) "Board" means the [Texas] Board of Examiners for Speech  
9 [in-the-Fitting] and [Dispensing-of] Hearing Professionals [Aids].

10 SECTION 3.02. Sections 4(b)-(i), Chapter 366, Acts of the  
11 61st Legislature, Regular Session, 1969 (Article 4566-1.04,  
12 Vernon's Texas Civil Statutes), are amended to read as follows:

13 (b) [~~The--Board--shall--have--the--power--to--appoint--committees~~  
14 ~~from-its-own-membership,--the-duties-of-which--shall-be--to--consider~~  
15 ~~such--matters,--pertaining-to-the-enforcement-of-this-Act,--as--shall~~  
16 ~~be-referred-to-said-committees,--and--they--shall--make--recommendations~~  
17 ~~to-the-Board-in-respect-thereto.~~

18 [~~(c)--The-Board--shall--have--the--power--to--employ--the--services~~  
19 ~~of---stenographers,---inspectors,---agents,---attorneys,---and---other~~  
20 ~~necessary-assistants-in-carrying-out-the-provisions-of-this-Act.~~

21 [{d}] The Board, by majority vote, shall have the power to  
22 issue subpoenas and subpoenas duces tecum to compel the attendance  
23 of witnesses and the production of books, records and documents, to  
24 administer oaths and to take testimony concerning all matters  
25 within its jurisdiction under this Act.

26 (c) [{e}] The Board shall have the right to institute an  
27 action in its own name to enjoin the violation of any of the

1 provisions of this Act. Said action for injunction shall be in  
2 addition to any other action, proceeding or remedy authorized by  
3 law.

4 (d) [~~f~~] The Board is charged with the duty of aiding in  
5 the enforcement of this Act, and any member of the Board may  
6 present to the Attorney General or a County or District Attorney of  
7 this state complaints relating to violations of any provision of  
8 this Act; and the Board through the members, officers, counsel, and  
9 agents may assist in the trial of any case involving alleged  
10 violations of this Act, subject to the control of the Attorney  
11 General, County Attorney, or District Attorney charged with the  
12 responsibility of prosecuting such case.

13 [~~g~~]~~--Before--entering--upon--the--discharge--of--the--duties--of~~  
14 ~~such--office,--the--Secretary--Treasurer--of--the--Board--shall--give--such~~  
15 ~~bond--for--the--performance--of--this--duty--as--the--Board--may--require,--the~~  
16 ~~premium--of--such--bond--is--to--be--paid--from--any--available--funds.~~

17 [~~h~~]~~--The--Board--shall--adopt--an--official--seal--and--the--form--of~~  
18 ~~a--license--of--suitable--design--and--shall--have--an--office--where--all--the~~  
19 ~~permanent--records--shall--be--kept.]~~

20 (e) [~~i~~] The Board by rule shall adopt requirements for  
21 mandatory [~~the~~] continuing education for [~~of~~] licensees under this  
22 Act in subjects pertaining to the fitting and dispensing of hearing  
23 aids. The Board by rule shall establish a minimum number of hours  
24 of continuing education required to renew a license. The Board may  
25 assess the continuing education needs of license holders and may  
26 require license holders to attend continuing education courses  
27 specified by the Board. The Board by rule shall develop a process

1 to evaluate and approve continuing education courses [~~may--approve~~  
2 ~~specific--courses--of--instruction--or--establish--minimum--content~~  
3 ~~requirements--of--courses--of--continuing-professional-education-and~~  
4 ~~provide-programs-for-continuing-education~~].

5 (f) The Board shall identify the key factors for the  
6 competent performance by a license holder of the license holder's  
7 professional duties. The Board shall adopt a procedure to assess a  
8 license holder's participation and performance in continuing  
9 education programs.

10 SECTION 3.03. Sections 6(a) and (c), Chapter 366, Acts of  
11 the 61st Legislature, Regular Session, 1969 (Article 4566-1.06,  
12 Vernon's Texas Civil Statutes), are amended to read as follows:

13 (a) Every person desiring to engage in fitting and  
14 dispensing hearing aids in the State of Texas shall be required to  
15 pass an examination given by the [Texas] Board [~~of-Examiners-in-the~~  
16 ~~Fitting-and-Dispensing-of-Hearing-Aids~~].

17 (c) The examination shall consist of written, oral or  
18 practical tests that shall be objective in method and applied in a  
19 consistent manner. The Board shall have the written portion of the  
20 examination validated by an independent testing professional. The  
21 examination shall cover the following areas as they relate to the  
22 fitting and dispensing of hearing aids:

- 23 (1) Basic physics of sound;  
24 (2) The structure and function of hearing aids;  
25 (3) Fitting of hearing aids;  
26 (4) Pure tone audiometry, including air conduction  
27 testing and bone conduction testing;

- 1 (5) Live voice and/or record voice speech audiometry;
- 2 (6) Masking when indicated;
- 3 (7) Recording and evaluation of audiograms and speech
- 4 audiometry to determine the hearing aid candidacy;
- 5 (8) Selection and adaption of hearing aids and testing
- 6 of hearing aids; and
- 7 (9) Taking of earmold impressions.

8 SECTION 3.04. Section 8, Chapter 366, Acts of the 61st  
9 Legislature, Regular Session, 1969 (Article 4566-1.08, Vernon's  
10 Texas Civil Statutes), is amended to read as follows:

11 Sec. 8. PROVISIONAL LICENSES [RECIPROCAL-ARRANGEMENTS]. (a)  
12 On [Upon--proper] application, the [Texas] Board [of-Examiners-in  
13 Fitting-and-Dispensing-of-Hearing-Aids] shall grant a provisional  
14 license to fit and dispense hearing aids [without-requiring-an  
15 examination-to-licentiates-of-other-states--or--territories--having  
16 requirements--equivalent-to-or-higher-than-those-in-effect-pursuant  
17 to-this-Act-for-fitting-and-dispensing-hearing-aids]. An applicant  
18 for a provisional license under this section must:

19 (1) be licensed in good standing as a fitter and  
20 dispenser of hearing aids in another state, the District of  
21 Columbia, or a territory of the United States that has licensing  
22 requirements that are substantially equivalent to the requirements  
23 of this Act;

24 (2) have passed a national or other examination  
25 recognized by the Board relating to the fitting and dispensing of  
26 hearing aids; and

27 (3) be sponsored by a person licensed by the Board



1 under this Act with whom the provisional license holder may  
2 practice under this section.

3 (b) An applicant for a provisional license may be excused  
4 from the requirement of Subsection (a)(3) of this section if the  
5 Board determines that compliance with that subsection constitutes a  
6 hardship to the applicant.

7 (c) A provisional license is valid until the date the Board  
8 approves or denies the provisional license holder's application for  
9 a license. The Board shall issue a license under this Act to the  
10 holder of a provisional license under this section if:

11 (1) the provisional license holder passes the  
12 examination required by Section 6 of this Act;

13 (2) the Board verifies that the provisional license  
14 holder has the academic and experience requirements for a license  
15 under this Act; and

16 (3) the provisional license holder satisfies any other  
17 license requirements under this Act.

18 (d) The Board must complete the processing of a provisional  
19 license holder's application for a license not later than the 180th  
20 day after the date the provisional license is issued.

21 ~~[(b)--Applications-for-license-under-the-provisions--of--this~~  
22 ~~section--shall--be--in--writing--and--upon-a-form-prescribed-by-the~~  
23 ~~Board.----Such---applications---shall----be----filed----with----the~~  
24 ~~Secretary-Treasurer---of--the--Board.---The--application--shall--be~~  
25 ~~accompanied-by-a-license-or-a-certified-copy-of-a--license--to--fit~~  
26 ~~and-dispense-hearing-aids,-lawfully-issued-to-the-applicant-by-some~~  
27 ~~other--state--or--territory;-and--shall--also-be-accompanied-by-an~~

1 affidavit-of-the-President-or-Secretary-of-the-Board--of--Examiners  
2 in-Fitting-and-Dispensing-Hearing-Aids-who-issued-the-license.--The  
3 affidavit-shall-recite-that-the-accompanying-certificate-or-license  
4 has--not--been--cancelled--or--revoked,--and--that-the-statement-of  
5 qualifications-made-in-this-application-for--license--in--Texas--is  
6 true-and-correct.

7 [(c)--Applicants--for--a-license-under-the-provisions-of-this  
8 section-shall-subscribe-to-an-oath-in-writing-which-shall-be-a-part  
9 of-said-application,--stating--that--the--license,--certificate--or  
10 authority-under-which-the-applicant-fits-and-dispenses-hearing-aids  
11 in--the-state-or-territory-from-which-the-applicant-is-removed,--was  
12 at-that-time-of-such-removal-in-full-force--and--not--suspended--or  
13 cancelled,--that--the-applicant-is-the-identical-person-to-whom-the  
14 said-certificate-or-license-was-issued-and-that-no--proceeding--was  
15 pending-at-the-time-of-such-removal,--or-at-the-present-time-pending  
16 against---the---applicant---for--the--cancellation,--suspension--or  
17 revocation-or-such-certificate-or-license-in-the-state-or-territory  
18 in-which-the-same-was-issued-and-that-no-prosecution-was-then-or-at  
19 the-time-of-application-pending-against-the-applicant-in-any--state  
20 or-federal-court-for-any-offense-under-the-laws-of-Texas-which-is-a  
21 felony.]

22 SECTION 3.05. Section 9(c), Chapter 366, Acts of the 61st  
23 Legislature, Regular Session, 1969 (Article 4566-1.09, Vernon's  
24 Texas Civil Statutes), is amended to read as follows:

25 (c) A temporary training permit shall authorize the holder  
26 thereof, to fit and dispense hearing aids under the direct and  
27 full-time supervision of the license holder who completed the

1 affidavit required by Subsection (b) of this section or that  
2 person's successor as supervisor for a period of one year or until  
3 the holder thereof shall have successfully passed the examination  
4 required for a license under this Act, whichever occurs first.

5 SECTION 3.06. Section 10, Chapter 366, Acts of the 61st  
6 Legislature, Regular Session, 1969 (Article 4566-1.10, Vernon's  
7 Texas Civil Statutes), is amended to read as follows:

8 Sec. 10. GROUNDS FOR DISCIPLINARY ACTIONS. (a) The Board  
9 shall revoke or suspend a permit or license, place on probation a  
10 person whose permit or license has been suspended, or reprimand a  
11 permittee or licensee for a violation of this Act or a rule of the  
12 Board including any of the following violations:

13 (1) The temporary trainee or licensee is guilty of any  
14 fraud, deceit or misrepresentation in the fitting and dispensing of  
15 hearing aids or in his seeking of a license under this Act.

16 (2) The temporary trainee or licensee is convicted of  
17 a felony or a misdemeanor which involves moral turpitude.

18 (3) The temporary trainee or licensee is unable to fit  
19 and dispense hearing aids with reasonable skill and safety to  
20 customers by reason of incompetence, age, illness, drunkenness,  
21 excessive use of drugs, narcotics, chemicals, or any other type of  
22 material or as a result of any condition causing the temporary  
23 trainee or licensee to become mentally or physically incapable as  
24 determined by a court of competent jurisdiction.

25 (4) The temporary trainee or licensee has violated any  
26 of the provisions of this Act or Board rules.

27 (5) The licensee has knowingly, directly or indirectly

1 employed, hired, procured, or induced a person not licensed to fit  
2 and dispense hearing aids in this state, to so fit and dispense  
3 hearing aids.

4 (6) The licensee aids or abets any person not duly  
5 licensed under this Act in the fitting or dispensing of hearing  
6 aids.

7 (7) The licensee lends, leases, rents, or in any other  
8 manner places his license at the disposal or in the service of any  
9 person not licensed to fit and dispense hearing aids in this state.

10 (8) The licensee knowingly used or caused or promoted  
11 the use of any advertising matter, promotional literature,  
12 guarantees, warranty, disseminated or published with misleading,  
13 deceiving or false information. It is the intention of the  
14 Legislature that the provisions of this subdivision be interpreted  
15 insofar as possible to coincide with the orders and rules of the  
16 Federal Trade Commission on such subjects.

17 (9) The licensee represented that the service or  
18 advice of a person licensed to practice medicine by the Texas State  
19 Board of Medical Examiners is used or made available in the  
20 selection, fitting, adjustment, maintenance, or repair of a hearing  
21 aid when such representation was not true.

22 (10) The licensee used the term "doctor," "clinic" or  
23 any like words, abbreviations or symbols in the conduct of his  
24 business which would tend to connote that the licensee was a  
25 physician or surgeon.

26 (11) The licensee obtained or attempted to obtain  
27 information concerning the business of another licensee under this

1 Act by bribery, or attempting to bribe an employee or agent of such  
2 other licensee or by the impersonation of one in authority.

3 (12) The licensee directly or indirectly gave, or  
4 offered to give or permitted or caused to be given money or  
5 anything of value to any person who advises others in a  
6 professional capacity as an inducement to influence such person to  
7 influence those persons such person advises in a professional  
8 capacity to purchase or contract to purchase products sold or  
9 offered for sale by licensee or to refrain from purchasing or  
10 contracting to purchase products sold or offered for sale by any  
11 other licensee under this Act.

12 (13) The licensee falsely represented to a purchaser  
13 that a hearing aid was "custom-made," "made to order,"  
14 "prescription-made" or any other representations that such hearing  
15 aid was specially fabricated for the purchaser.

16 (14) The licensee refused to accept responsibility for  
17 the acts of a temporary training permittee in a licensee's employ  
18 and under licensee's supervision.

19 (15) The licensee with fraudulent intent, engaged in  
20 the fitting and dispensing of hearing aids under a false name or  
21 alias.

22 (b) If a license suspension is probated, the Board may  
23 require the license holder to:

24 (1) report regularly to the Board on matters that are  
25 the basis of the probation;

26 (2) limit practice to the areas prescribed by the  
27 Board; or

1           (3) continue or review continuing professional  
2 education until the license holder attains a degree of skill  
3 satisfactory to the Board in those areas that are the basis of the  
4 probation.

5           (c) The schedule of sanctions adopted by the Board by rule  
6 shall be used by the State Office of Administrative Hearings for  
7 any sanction imposed as the result of a hearing conducted by that  
8 office.

9           SECTION 3.07. Section 11, Chapter 366, Acts of the 61st  
10 Legislature, Regular Session, 1969 (Article 4566-1.11, Vernon's  
11 Texas Civil Statutes), is amended to read as follows:

12           Sec. 11. DISCIPLINARY ACTIONS. (a) If the Board proposes  
13 to refuse a person's application for examination, to suspend or  
14 revoke a person's license, or to probate or reprimand a person, the  
15 person is entitled to a hearing before the State Office of  
16 Administrative Hearings [Board].

17           (b) ~~[The--proceedings--are--governed--by--the--Administrative~~  
18 ~~Procedure--and--Texas--Register--Act,--as--amended--(Article--6252-13a,~~  
19 ~~Vernon's--Texas--Civil--Statutes)].~~

20           ~~[(c)]~~ Proceedings shall be commenced by filing charges with  
21 the Board in writing and under oath. The charges may be made by  
22 any person or persons.

23           ~~[(d)--The--president--of--the--Board--shall--fix--a--time--and--place~~  
24 ~~for--a--hearing--and--shall--cause--a--copy--of--the--charges,--together--with~~  
25 ~~a--notice--of--the--time--and--place--fixed--for--the--hearing--to--be--served~~  
26 ~~upon--the--applicant--or--licensee--against--whom--charges--have--been--filed~~  
27 ~~at--least--30--days--prior--thereto.--Service--of--such--charges--and--notice~~

1 of-hearing-thereon-may-be-given-by-certified-mail-to-the-last-known  
2 address-of-such-licensee-or-applicant.

3       [~~(e)~~--At-the-hearing,-such-applicant-or-licensee--shall--have  
4 the--right--to--appear--either--personally-or-by-counsel-or-both-to  
5 produce-witnesses,-and-to-have-subpoenas-issued-by--the--Board--and  
6 cross-examine-opposing-or-adverse-witnesses.

7       [~~(f)~~--The--Board--shall--not--be--bound--by--strict--rules-of  
8 procedure-or-by--the--laws--of--evidence--in--the--conduct--of--its  
9 proceedings--but-the-determination-shall-be-founded-upon-sufficient  
10 legal-evidence-to-sustain-it.

11       [~~(g)~~--The--Board--shall--determine--the--charges--upon--their  
12 merits.]

13       (c) The Board shall enter an order in the permanent records  
14 of the Board setting forth the findings of fact and law of the  
15 State Office of Administrative Hearings [Board] and its action  
16 thereon. A copy of such order of the State Office of  
17 Administrative Hearings [Board] shall be mailed to such applicant  
18 or licensee to his last known address by certified mail.

19       (d) [~~(h)~~] Any person whose license to fit and dispense  
20 hearing aids has been refused or has been cancelled, revoked or  
21 suspended by the Board, may, within 20 days after making and  
22 entering of an [~~such~~] order by the State Office of Administrative  
23 Hearings, take an appeal to any district court of Travis County or  
24 any district court of the county of his residence.

25       (e) [~~(i)~~] Appeal from the judgment of such district court  
26 will lie as other civil cases.

27       (f) [~~(j)~~] Upon application, the Board may reissue a license

1 to fit and dispense hearing aids to a person whose license has been  
2 cancelled or revoked but such application shall not be made prior  
3 to the expiration of a period of six months after the order of  
4 cancellation or revocation has become final, and such application  
5 shall be made in such manner and form as the Board may require.

6 (g) The Board may require that a license holder who violates  
7 a provision of this Act participate in continuing education  
8 programs. The Board shall specify the continuing education  
9 programs that may be attended and the number of hours that must be  
10 completed by an individual license holder to fulfill the  
11 requirements of this subsection.

12 SECTION 3.08. Section 12, Chapter 366, Acts of the 61st  
13 Legislature, Regular Session, 1969 (Article 4566-1.12, Vernon's  
14 Texas Civil Statutes), is amended to read as follows:

15 Sec. 12. FEES AND EXPENSES. (a) The Board shall establish  
16 reasonable and necessary fees so that the fees, in the aggregate,  
17 produce sufficient revenue to cover the cost of administering this  
18 Act. The Board may not set a fee for an amount less than the  
19 amount of that fee on September 1, 1993. [for--the--administration  
20 of-this-Act-in-amounts-not-to-exceed:

|                                   |        |
|-----------------------------------|--------|
| 21 [1.--Temporary-Training-Permit | \$--40 |
| 22 [2.--Examination-Fee           | 125    |
| 23 [3.--License-Fee               | 75     |
| 24 [4.--License-Renewal-Fee       | 220    |
| 25 [5.--Duplicate-Document-fee    | 10]    |

26 (b) Every person passing the examination and meeting the  
27 requirements of the Board shall be notified that he is eligible for



1 such license upon payment of the fee [herein--provided]. Such  
2 notice shall be by certified mail at the address given on his  
3 examination papers. The fee for issuance of such license must be  
4 paid by the applicant within 90 days after having been notified.  
5 Failure to pay such fee within such time shall constitute a waiver  
6 of the right to such person to obtain his license.

7 [~~(c)~~--The--Secretary-Treasurer--of--the--Board--shall,--on-or  
8 before-the-10th-day-of-each-month,--remit-to-the-State-Treasurer-all  
9 of-the-fees-collected-by-the-Board-during-the-preceding--month--for  
10 deposit-in-the-General-Revenue-Fund-

11 [~~(d)~~--Each--member--of-the-Board-is-entitled-to-a-per-diem-as  
12 set-by-legislative-appropriation--for--each--day--that--the--member  
13 engages-in-the-business-of-the-Board.--A-member-may-not-receive-any  
14 compensation--for-travel-expenses,--including-expenses-for-meals-and  
15 lodging,--other-than-transportation-expenses.--A-member-is--entitled  
16 to--compensation--for--transportation-expenses-as-prescribed-by-the  
17 General-Appropriations-Act.---The--travel--expenses--allowance--for  
18 members--of--the--Board--and-its-employees-shall-be-provided-in-the  
19 General-Appropriations-Act.--The-executive-director--of--the--Board  
20 shall--be--allowed--his-actual-expenses-incurred-while-traveling-on  
21 official-business-for-the-Board-

22 [~~(e)~~--The-number-of-days-for-which-compensation-may--be--paid  
23 to--members--of-the-Board-shall-not-exceed-two-days-in-any-calendar  
24 month-except-in-those-months-in-which-examinations--are--held,--but  
25 compensations--may--never--be--allowed--to-exceed-six-days-in-those  
26 months-in-which-examinations-are-held-

27 [~~(f)~~--The-Board-may-authorize-all-necessary-disbursements--to

1 carry--out--the--provisions--of--this--Act,--including--payment--of--the  
2 premium--on--the--bond--of--the---Secretary-Treasurer,---stationery  
3 expenses,--purchase--and--maintain--or--rent--equipment--and--facilities  
4 necessary--to--carry--out--the--examinations--of--applications--for  
5 license,--pay--for--printing--of--all--licenses,--rent--and--furnish--an  
6 office--to--maintain--the--permanent--records--of--the--Board.

7 [(g)--Funds--for--the--administration--of--this--Act--shall--be  
8 provided--by--the--General--Appropriations--Act--from--the--General--Revenue  
9 Fund,--The--financial--transactions--of--the--Board--are--subject--to--audit  
10 by--the--state--auditor--in--accordance--with--Chapter--321,--Government  
11 Code.]

12 SECTION 3.09. Section 12B, Chapter 366, Acts of the 61st  
13 Legislature, Regular Session, 1969 (Article 4566-1.12B, Vernon's  
14 Texas Civil Statutes), is amended by amending Subsection (d) and by  
15 adding Subsections (e)-(f) to read as follows:

16 (d) The Board shall keep an information file about each  
17 complaint filed with the Board [~~relating--to--a--licensee~~]. The  
18 Board's information file shall be kept current and contain a record  
19 for each complaint of:

20 (1) all persons contacted in relation to the  
21 complaint;

22 (2) a summary of findings made at each step of the  
23 complaint process;

24 (3) an explanation of the legal basis and reason for a  
25 complaint that is dismissed; and

26 (4) other relevant information.

27 If a written complaint is filed with the Board that the Board has

1 authority to resolve [~~relating-to-a-licensee~~], the Board, at least  
2 as frequently as quarterly and until final disposition of the  
3 complaint, shall notify the parties to the complaint of the status  
4 of the complaint unless the notice would jeopardize an undercover  
5 investigation.

6 (e) The Board by rule shall adopt a form to standardize  
7 information concerning complaints made to the Board. The Board by  
8 rule shall prescribe information to be provided to a person when  
9 the person files a complaint with the Board.

10 (f) The Board shall provide reasonable assistance to a  
11 person who wishes to file a complaint with the Board.

12 SECTION 3.10. Chapter 366, Acts of the 61st Legislature,  
13 Regular Session, 1969 (Article 4566-1.01 et seq., Vernon's Texas  
14 Civil Statutes), is amended by adding Sections 12C and 12D to read  
15 as follows:

16 Sec. 12C. COMPLAINT INVESTIGATION AND DISPOSITION. (a) The  
17 Board shall adopt rules concerning the investigation of a complaint  
18 filed with the Board. The rules adopted under this subsection  
19 shall:

20 (1) distinguish between categories of complaints;

21 (2) ensure that complaints are not dismissed without  
22 appropriate consideration;

23 (3) require that the Board be advised of a complaint  
24 that is dismissed and that a letter be sent to the person who filed  
25 the complaint explaining the action taken on the dismissed  
26 complaint;

27 (4) ensure that the person who filed the complaint has

1 an opportunity to explain the allegations made in the complaint;  
2 and

3 (5) prescribe guidelines concerning the categories of  
4 complaints that require the use of a private investigator and the  
5 procedures for the Board to obtain the services of a private  
6 investigator.

7 (b) The Board shall dispose of all complaints in a timely  
8 manner. The Board shall establish a timeline for conducting each  
9 phase of a complaint that is under the control of the Board not  
10 later than the 30th day after the date the complaint is received by  
11 the Board. The timeline shall be kept in the information file for  
12 the complaint and all parties shall be notified of the projected  
13 time requirements for pursuing the complaint. A change in the  
14 timeline must be noted in the complaint information file and all  
15 parties to the complaint must be notified not later than the  
16 seventh day after the date the change is made.

17 (c) The director of the Board shall notify the Board of a  
18 complaint that extends beyond the time prescribed by the Board for  
19 resolving the complaint so that the Board may take necessary action  
20 on the complaint.

21 Sec. 12D. INFORMAL PROCEEDINGS. (a) The Board by rule  
22 shall adopt procedures governing:

23 (1) informal disposition of a contested case under  
24 Section 13(e), Administrative Procedure and Texas Register Act  
25 (Article 6252-13a, Vernon's Texas Civil Statutes), and its  
26 subsequent amendments; and

27 (2) informal proceedings held in compliance with

1 Section 18(c), Administrative Procedure and Texas Register Act  
2 (Article 6252-13a, Vernon's Texas Civil Statutes), and its  
3 subsequent amendments.

4 (b) Rules adopted under this section must provide the  
5 complainant and the licensee an opportunity to be heard and must  
6 require the presence of a representative of the office of the  
7 attorney general to advise the Board or Board's employees.

8 SECTION 3.11. Chapter 366, Acts of the 61st Legislature,  
9 Regular Session, 1969 (Article 4566-1.01 et seq., Vernon's Texas  
10 Civil Statutes), is amended by adding Section 12E to read as  
11 follows:

12 Sec. 12E. MONITORING OF LICENSE HOLDER. The Board by rule  
13 shall develop a system for monitoring license holders' compliance  
14 with the requirements of this Act. Rules adopted under this  
15 section shall include procedures for monitoring a license holder  
16 who is ordered by the Board to perform certain acts to ascertain  
17 that the license holder performs the required acts and to identify  
18 and monitor license holders who represent a risk to the public.

19 SECTION 3.12. Section 13, Chapter 366, Acts of the 61st  
20 Legislature, Regular Session, 1969 (Article 4566-1.13, Vernon's  
21 Texas Civil Statutes), is amended to read as follows:

22 Sec. 13. RENEWAL OF LICENSE. (a) The Board by rule may  
23 adopt a system under which licenses expire on various dates during  
24 the year. For the year in which the license expiration date is  
25 changed, license fees payable on September 1 shall be prorated on a  
26 monthly basis so that each licensee shall pay only that portion of  
27 the license fee that is allocable to the number of months during

1 which the license is valid. On renewal of the license on the new  
2 expiration date, the total license renewal fee is payable [~~Each~~  
3 ~~license-to-fit-and-dispense-hearing-aids-shall-be-issued-for-the~~  
4 ~~term-of-one-year-and-shall, unless-suspended-or-revoked, be-renewed~~  
5 ~~annually-on-September-1-on-payment-of-the-renewal-fee~~].

6 (b) A person may renew an [~~his~~] unexpired license by paying  
7 to the Board before the expiration date of the license the required  
8 renewal fee.

9 (c) If a person's license has been expired for [~~not--more~~  
10 ~~than~~] 90 days or less, the person may renew the license by paying  
11 to the Board the required renewal fee and a fee that is one-half of  
12 the examination fee for the license.

13 (d) If a person's license has been expired for more than 90  
14 days but less than one year [~~two-years~~], the person may renew the  
15 license by paying to the Board all unpaid renewal fees and a fee  
16 that is equal to the examination fee for the license.

17 (e) If a person's license has been expired for one year [~~two~~  
18 ~~years~~] or more, the person may not renew the license. The person  
19 may obtain a new license by submitting to reexamination and  
20 complying with the requirements and procedures for obtaining an  
21 original license. However, the Board may renew without examination  
22 an expired license of a person who was licensed in this state,  
23 moved to another state, and is currently licensed and has been in  
24 practice in the other state for the two years preceding  
25 application. The person must pay to the Board a fee that is equal  
26 to the examination fee for the license.

27 (f) At least 30 days before the expiration of a person's

1 license, the Board shall send written notice of the impending  
2 license expiration to the person at the licensee's last known  
3 address according to the records of the Board.

4 (g) Before a license can be renewed, the Board shall require  
5 certification that all testing equipment, both portable and  
6 stationary, used by the licensee has been calibrated within one  
7 year prior to the renewal date.

8 (h) [(g)] Before a license can be renewed, a licensee must  
9 demonstrate compliance with the requirements of continuing  
10 education established by the Board under Subsection (e) [(f)] of  
11 Section 4 of this Act.

12 ~~[On-written-request, the Board shall provide--an--alternative~~  
13 ~~mechanism--for-meeting-the-continuing-education-requirement-through~~  
14 ~~examination.]~~

15 ~~[The Board may waive compliance with the continuing education~~  
16 ~~requirement for license renewal in an individual case upon evidence~~  
17 ~~of hardship or inability to meet the requirement.--The waiver--may~~  
18 ~~be granted after review by the Board on an annual basis.]~~

19 (i) [(h)] Fitting and dispensing hearing aids without an  
20 annual renewal certificate for the current year as provided herein  
21 shall have the same force and effect and be subject to the same  
22 penalties as fitting and dispensing hearing aids without a license.

23 (j) [(i)] The Board shall issue a duplicate license to any  
24 licensee whose license has been lost or destroyed and the Board  
25 shall have the authority to prescribe the procedure and  
26 requirements for the issuance of the duplicate license.

27 SECTION 3.13. Chapter 366, Acts of the 61st Legislature,

1 Regular Session, 1969 (Article 4566-1.01 et seq., Vernon's Texas  
2 Civil Statutes), is amended by adding Section 13B to read as  
3 follows:

4 Sec. 13B. INACTIVE STATUS. The Board by rule may provide  
5 for a person who holds a license under this Act to be placed on  
6 inactive status. Rules adopted under this section shall include a  
7 time limit for a license holder to remain on inactive status.

8 SECTION 3.14. Section 15(a), Chapter 366, Acts of the 61st  
9 Legislature, Regular Session, 1969 (Article 4566-1.15, Vernon's  
10 Texas Civil Statutes), is amended to read as follows:

11 (a) It is unlawful for any person to:

12 (1) buy, sell, or fraudulently obtain a license to fit  
13 and dispense hearing aids or aid or abet therein;

14 (2) alter a license to fit and dispense hearing aids  
15 with the intent to defraud;

16 (3) willfully make a false statement in an application  
17 to the [Texas] Board [~~of-Examiners-of--Fitters--and--Dispensers--of~~  
18 ~~Hearing-Aids~~] for a license, a temporary training permit or for the  
19 renewal of a license;

20 (4) falsely impersonate any person duly licensed as a  
21 fitter and dispenser of hearing aids under the provisions of this  
22 Act;

23 (5) offer or hold himself out as authorized to fit and  
24 dispense hearing aids, or use in connection with his name any  
25 designation tending to imply that he is authorized to engage in the  
26 fitting and dispensing of hearing aids, if not so licensed under  
27 the provisions of this Act;



1           (6) engage in the fitting and dispensing of hearing  
2 aids during the time his license shall be cancelled, suspended or  
3 revoked; or

4           (7) dispense or fit a hearing aid on any individual  
5 who has ordered such hearing aid or device by mail unless the  
6 person dispensing and fitting such hearing aid or device is  
7 licensed under this Act.

8           ARTICLE 4. TRANSITION; REPEALER; EFFECTIVE DATE; EMERGENCY

9           SECTION 4.01. (a) As soon as possible after the effective  
10 date of this Act, the governor shall appoint the initial members of  
11 the Board of Examiners for Speech and Hearing Professionals in  
12 accordance with Article 4566a, Revised Statutes, as added by this  
13 Act. In making the initial appointments, the governor shall  
14 designate members to serve terms as follows:

15           (1) one member licensed as a hearing aid fitter and  
16 dispenser, one member licensed as an audiologist, and one public  
17 member serve for terms expiring February 1, 1995;

18           (2) one member licensed as a hearing aid fitter and  
19 dispenser, one member licensed as an audiologist, and one member  
20 licensed as a speech-language pathologist serve for terms expiring  
21 February 1, 1997; and

22           (3) one member licensed as a speech-language  
23 pathologist and two public members serve for terms expiring  
24 February 1, 1999.

25           (b) The Board of Examiners for Speech and Hearing  
26 Professionals may not take any action and is not created until the  
27 day after the date that the last appointee to the initial board

1 takes office. On the date of its creation, the board assumes its  
2 functions and:

3 (1) the State Committee of Examiners for  
4 Speech-Language Pathology and Audiology and the Texas Board of  
5 Examiners in the Fitting and Dispensing of Hearing Aids are  
6 abolished;

7 (2) the obligations, rights, contracts, records and  
8 other property, and personnel of, and unspent money appropriated to  
9 or for, the abolished committee and board are transferred to the  
10 Board of Examiners for Speech and Hearing Professionals;

11 (3) the rules of the abolished committee and board are  
12 continued in effect as rules of the Board of Examiners for Speech  
13 and Hearing Professionals until superseded by rule of the new  
14 board;

15 (4) the licenses in effect that were issued by the  
16 abolished committee or board are continued in effect as licenses of  
17 the Board of Examiners for Speech and Hearing Professionals;

18 (5) a complaint or investigation pending before the  
19 abolished committee or board is transferred without change in  
20 status to the Board of Examiners for Speech and Hearing  
21 Professionals;

22 (6) a contested case pending before the abolished  
23 committee or board is transferred to the State Office of  
24 Administrative Hearings and actions taken in the proceeding are  
25 treated as if taken by the State Office of Administrative Hearings;  
26 and

27 (7) any reference in a law to the abolished committee

1 or board means the Board of Examiners for Speech and Hearing  
2 Professionals.

3 (c) Regardless of the changes in law made by this Act, until  
4 the date that the State Committee of Examiners for Speech-Language  
5 Pathology and Audiology and the Texas Board of Examiners in the  
6 Fitting and Dispensing of Hearing Aids are abolished as provided by  
7 this section, the committee and board continue in existence and  
8 shall administer their functions under the law that governed the  
9 committee or board before the effective date of this Act, and the  
10 prior law is continued in effect for that purpose.

11 (d) The Board of Examiners for Speech and Hearing  
12 Professionals shall adopt rules under this Act not later than  
13 December 1, 1993.

14 SECTION 4.02. The following laws are repealed:

15 (1) Sections 3, 4, 6, 7, and 22, Chapter 381, Acts of  
16 the 68th Legislature, Regular Session, 1983 (Article 4512j,  
17 Vernon's Texas Civil Statutes); and

18 (2) Sections 2, 3, 4A, and 13A, Chapter 366, Acts of  
19 the 61st Legislature, Regular Session, 1969 (Article 4566-1.01 et  
20 seq., Vernon's Texas Civil Statutes).

21 SECTION 4.03. This Act takes effect September 1, 1993.

22 SECTION 4.04. The importance of this legislation and the  
23 crowded condition of the calendars in both houses create an  
24 emergency and an imperative public necessity that the  
25 constitutional rule requiring bills to be read on three several  
26 days in each house be suspended, and this rule is hereby suspended.

# HOUSE COMMITTEE REPORT

30 MAY -7 PM 3:10

HOUSE OF REPRESENTATIVES

1<sup>st</sup> Printing

By Cain, Berlanga, et al.

H.B. No. 1478

Substitute the following for H.B. No. 1478:

By Berlanga

C.S.H.B. No. 1478

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of speech-language pathology and audiology and the continuation of the State Committee of Examiners for Speech Pathology and Audiology.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2, Chapter 381, Acts of the 68th Legislature, Regular Session, 1983 (Article 4512j, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2. DEFINITIONS. In this Act:

(1) "Board" means the State [Texas] Board of Examiners for Speech-Language Pathology and Audiology [Health].

(2) [~~"Committee"---means---the---State---Committee---of Examiners-for-Speech-Language-Pathology-and-Audiology-~~

[~~+3~~] "Department" means the Texas Department of Health.

(3) [~~+4~~] "Person" means an individual, corporation, partnership, or other legal entity.

(4) [~~+5~~] "Speech-language pathologist" means an individual who practices speech-language pathology, who makes a nonmedical evaluation, who examines, counsels, or provides habilitative or rehabilitative services for persons who have or are suspected of having speech, voice, or language disorders, and who meets the qualifications of [~~set-forth-in~~] this Act.

(5) [~~+6~~] "The practice of speech-language pathology"

1 means the application of nonmedical principles, methods, and  
2 procedures for the measurement, testing, evaluation, prediction,  
3 counseling, habilitation, rehabilitation, or instruction related to  
4 the development and disorders of communication, including speech,  
5 voice, [or] language, oral pharyngeal function, or cognitive  
6 processes, for the purpose of rendering or offering to render an  
7 evaluation, prevention, or modification of these disorders and  
8 conditions in individuals or groups of individuals.  
9 Speech-language pathologists may perform [the] basic audiometric  
10 screening tests and aural rehabilitation or habilitation [~~hearing~~  
11 ~~therapy-procedures-consistent-with-their-training~~].

12 (6) [~~7~~] "Audiologist" means a person who practices  
13 audiology, who makes a nonmedical evaluation, who examines,  
14 counsels, or provides habilitative or rehabilitative services for  
15 persons who have or are suspected of having a hearing or vestibular  
16 disorder, and who meets the qualifications of [~~set-forth--in~~] this  
17 Act.

18 (7) [~~8~~] "The practice of audiology" means the  
19 application of nonmedical principles, methods, and procedures for  
20 the measurement, testing, appraisal, prediction, consultation,  
21 counseling, habilitation, rehabilitation, or instruction related to  
22 [~~hearing--and~~] disorders of the auditory or vestibular systems  
23 [~~hearing-and~~] for the purpose of rendering or offering to render  
24 services modifying communicative disorders involving speech,  
25 language, auditory or vestibular function, or other aberrant  
26 behavior relating to hearing loss. An audiologist may engage in  
27 any tasks, procedures, acts, or practices that are necessary (A)

1 for the evaluation of hearing; (B) for training in the use of  
 2 amplification including hearing aids; ~~[or]~~ (C) for the making of  
 3 earmolds for hearing aids; (D) for the fitting, dispensing, and  
 4 sale of hearing aids; or (E) for the management of cerumen. An  
 5 audiologist may participate in consultation regarding noise control  
 6 and hearing conservation, may provide evaluations of environment or  
 7 equipment including calibration of equipment used in testing  
 8 auditory functioning and hearing conservation, and may perform the  
 9 basic speech and language screening tests and procedures consistent  
 10 with his or her training.

11 (8) "Licensed assistant in speech-language  
 12 [~~{9}~~--"Speech-language] pathology [~~aide~~]" means a person who meets  
 13 minimum qualifications which the board ~~[committee]~~ may establish  
 14 for licensed assistants ~~[speech-language-pathology-aides]~~ and who  
 15 works under the direction of a licensed speech-language  
 16 pathologist. The qualifications for licensure as a licensed  
 17 assistant in speech-language pathology ~~[aide]~~ shall be uniform and  
 18 shall be less than those established by this Act as necessary for  
 19 licensure as a speech-language pathologist.

20 (9) "Licensed assistant in audiology"  
 21 [~~{10}~~--"Audiology--aide"] means a person who meets minimum  
 22 qualifications which the board ~~[committee]~~ may establish for  
 23 licensed assistants ~~[audiology--aides]~~ and who works under the  
 24 direction of a licensed audiologist. The qualifications for  
 25 licensure as a licensed assistant in ~~[an]~~ audiology ~~[aide]~~ shall be  
 26 uniform and shall be less than those established by this Act as  
 27 necessary for licensure as an audiologist.

SECTION 2. Section 3, Chapter 381, Acts of the 68th Legislature, Regular Session, 1983 (Article 4512j, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3. BOARD [~~COMMITTEE~~]; MEMBERSHIP. (a) The State Board [~~Committee~~] of Examiners for Speech Pathology and Audiology is created within the Texas Department of Health. The board [~~committee~~] consists of nine members appointed by the governor [~~to take--office--on--the--effective-date-of-this-Act~~]. Members of the board [~~committee~~] must have been residents of the State of Texas for two years immediately preceding appointment and must be representative of varying geographic regions of the state and from varying employment settings. Six members must have been engaged in rendering services, teaching, or research in speech-language pathology or audiology for at least five years and must meet the qualifications for full licensure under this Act. Of these six members, three members shall be audiologists, three members shall be speech-language pathologists. All [~~Except--for--the--initial appointees,--all~~] six shall hold valid licenses under this Act. Three members shall be selected from the general public. One of the three public members of the board [~~committee~~] must be a physician licensed to practice in the State of Texas and board certified in otolaryngology or pediatrics. The two remaining public members may not:

(1) be licensed by an occupational regulatory agency in the field of health care;

(2) be employed by and participating in the management of an agency or business entity that provides health-care services

1 or that sells, manufactures, or distributes health-care supplies or  
2 equipment;

3 (3) own, control, or have a direct or indirect  
4 interest in more than 10 percent of a business entity that provides  
5 health-care services or that sells, manufactures, or distributes  
6 health-care supplies or equipment; or

7 (4) be an officer, employee, or paid consultant of a  
8 trade association in the field of health care. A member of the  
9 board [~~committee~~] may not be related within the second degree of  
10 affinity or consanguinity, as determined under Article 5996h,  
11 Revised Statutes, to a person who is an officer, employee, or a  
12 paid consultant of a trade association in the health-care field.

13 (b) An appointment to the board [~~committee~~] shall be made  
14 without regard to the race, creed, sex, religion, or national  
15 origin of the appointee.

16 (c) A person who is required to register as a lobbyist under  
17 Chapter 305, Government Code, in a health-related area may not  
18 serve as a member of the board or act as the general counsel to the  
19 board.

20 (d) Each board member shall comply with the board member  
21 training requirements established by any other state agency that is  
22 given authority to establish the requirements of the board.

23 SECTION 3. Section 4, Chapter 381, Acts of the 68th  
24 Legislature, Regular Session, 1983 (Article 4512j, Vernon's Texas  
25 Civil Statutes), is amended to read as follows:

26 Sec. 4. TERMS; OFFICERS; QUORUM; EXPENSES. (a) Members  
27 [~~The-term-of-initial-appointees-to-the-board-shall-be-determined-by~~]



1 ~~lot-as-follows:--three-members-are-appointed-for-terms-which-expire~~  
 2 ~~August-31,-1985;--three-members-are-appointed-for-terms-which-expire~~  
 3 ~~August--31,-1987;--and-three-members-are-appointed-for-terms-which~~  
 4 ~~expire-August-31,-1989.--After-the-initial--appointments,--members]~~  
 5 are appointed for staggered terms of six years, with three terms  
 6 beginning September 1 of each odd-numbered year. Members of the  
 7 board [committee] shall serve until the expiration of the term to  
 8 which they have been appointed or until their successors have  
 9 qualified. A person may not be appointed to serve more than two  
 10 consecutive terms.

11 (b) The board [committee] shall be organized annually and  
 12 select a chairperson, vice-chairperson, and a secretary-treasurer.  
 13 The [~~initial--chairperson--shall--be--a--person--who---meets---the~~  
 14 ~~qualifications--for--licensing--under-this-Act.--After-September-1,~~  
 15 ~~1984,-the]~~ chairperson shall hold a valid license under this Act.

16 (c) Five members of the board [committee] constitute a  
 17 quorum to do business.

18 (d) The board [committee] shall hold at least two regular  
 19 meetings each year [~~at-which-time--an--examination--as--defined--in~~  
 20 ~~Section--12-of-this-Act-shall-be-offered]~~. Additional meetings may  
 21 be held on the call of the chairperson or at the written request of  
 22 any three members of the board [committee]. The board is subject  
 23 to the open meetings law, Chapter 271, Acts of the 60th  
 24 Legislature, Regular Session, 1967 (Article 6252-17, Vernon's Texas  
 25 Civil Statutes), and its subsequent amendments. [At-least-14-days-  
 26 advance-notice-of-the-committee-meeting-is-required.]

27 (e) Board [Committee] members receive no compensation for

1 their services; however, each member of the board [~~committee~~] is  
2 entitled to a per diem and travel allowance at the rate set by the  
3 legislature for state employees in the General Appropriations Act  
4 for each day that the member engages in the business of the board  
5 [~~committee~~].

6 SECTION 4. Section 5, Chapter 381, Acts of the 68th  
7 Legislature, Regular Session, 1983 (Article 4512j, Vernon's Texas  
8 Civil Statutes), is amended to read as follows:

9 Sec. 5. DUTIES AND POWERS OF THE BOARD [~~COMMITTEE~~]. (a)  
10 The board [~~Subject--to--the-approval-of-the-board,--the-committee~~]  
11 shall adopt rules necessary to administer and enforce this Act,  
12 including rules that establish standards of ethical practice.

13 (b) With the assistance of the department, the board  
14 [~~committee~~] shall administer, coordinate, and enforce the  
15 provisions of this Act; evaluate the qualifications of applicants;  
16 provide for the examination of applicants; and issue subpoenas,  
17 examine witnesses, and administer oaths under the laws of the State  
18 of Texas.

19 (c) With the assistance of the department and in accordance  
20 with the Administrative Procedure and Texas Register Act, as  
21 amended (Article 6252-13a, Vernon's Texas Civil Statutes), the  
22 board [~~committee~~] shall conduct hearings and keep records and  
23 minutes necessary to the orderly administration of this Act.

24 (d) The board [~~committee~~] with the aid of the department  
25 shall investigate persons engaging in practices that violate the  
26 provisions of this Act.

27 (e) A person who holds a license to practice speech-language

1 pathology or audiology in this state is governed and controlled by  
2 the rules adopted by the ~~[committee-and-approved-by-the]~~ board ~~[of~~  
3 ~~health]~~.

4 (f) The conferral or enumeration of specific powers  
5 elsewhere in this Act shall not be construed as a limitation of the  
6 general powers conferred by this section.

7 (g) The board ~~[committee]~~ shall be represented by the  
8 attorney general and the district and county attorneys of this  
9 state.

10 (h) The board ~~[committee]~~ may appoint subcommittees to work  
11 under its jurisdiction~~[7-subject-to-the-approval-of-the-board]~~.

12 (i) The board shall develop and implement policies that  
13 clearly define the respective responsibilities of the board and the  
14 staff of the board.

15 (j) The board shall prepare and maintain a written plan that  
16 describes how a person who does not speak English can be provided  
17 reasonable access to the board's programs. The board shall also  
18 comply with federal and state laws for program and facility  
19 accessibility.

20 (k) The board shall develop and implement policies that  
21 provide the public with a reasonable opportunity to appear before  
22 the board and to speak on any issue under the jurisdiction of the  
23 board.

24 SECTION 5. Section 6, Chapter 381, Acts of the 68th  
25 Legislature, Regular Session, 1983 (Article 4512j, Vernon's Texas  
26 Civil Statutes), is amended to read as follows:

27 Sec. 6. EMPLOYEES OF THE BOARD ~~[COMMITTEE]~~. The Texas

1 Department of Health shall provide such administrative and clerical  
2 employees as are necessary to carry out the provisions of this Act.

3 SECTION 6. Section 7, Chapter 381, Acts of the 68th  
4 Legislature, Regular Session, 1983 (Article 4512j, Vernon's Texas  
5 Civil Statutes), is amended to read as follows:

6 Sec. 7. SEAL AND AUTHENTICATION OF RECORDS. The board  
7 [~~committee~~] shall adopt a seal by which it shall authenticate its  
8 proceedings. Copies of the proceedings, records, and acts of the  
9 board [~~committee~~] and certificates purporting to relate the facts  
10 concerning the proceedings, records, and acts, signed by the  
11 secretary-treasurer and authenticated by the seal, are prima facie  
12 evidence in all courts of this state.

13 SECTION 7. Sections 8(a) and (b), Chapter 381, Acts of the  
14 68th Legislature, Regular Session, 1983 (Article 4512j, Vernon's  
15 Texas Civil Statutes), are amended to read as follows:

16 (a) Licenses shall be granted either in speech-language  
17 pathology or audiology independently. Persons may be licensed in  
18 both areas if they meet the qualifications. The board by rule  
19 shall establish qualifications for dual licensure in  
20 speech-language pathology and audiology and may develop a full  
21 range of licensing options and establish rules for qualifications  
22 as necessary.

23 (b) A person may not practice or represent himself or  
24 herself as a speech-language pathologist or audiologist in this  
25 state [~~after-August-31-1984~~] unless he or she is licensed in  
26 accordance with the provisions of this Act.

27 SECTION 8. Sections 9(b)-(p), Chapter 381, Acts of the 68th

1 Legislature, Regular Session, 1983 (Article 4512j, Vernon's Texas  
2 Civil Statutes), are amended to read as follows:

3 (b) This Act does not prevent or restrict the activities and  
4 services and the use of an official title by persons holding a  
5 valid and current certification in speech-language pathology  
6 [speech--and--hearing-therapy] from the Central Education Agency if  
7 those persons perform speech-language pathology or audiology  
8 services solely as a part of their duties within an agency,  
9 institution, or organization under the jurisdiction of the Central  
10 Education Agency. Effective September 1, 1994, the Central  
11 Education Agency certificate in speech-language pathology shall  
12 require the applicant to hold a master's degree in communicative  
13 disorders or the equivalent from a university program accredited by  
14 the American Speech-Language-Hearing Association and to pass a  
15 national examination in speech-language pathology or audiology  
16 approved by the board. If persons affected by this subsection  
17 perform work as a speech-language pathologist or audiologist apart  
18 from their positions within an agency, institution, or organization  
19 of the Central Education Agency, they must have a license issued by  
20 the board [committee], except that a person affected by this  
21 subsection may perform speech and hearing screening procedures  
22 without compensation without having a license issued by the board  
23 [committee]. In this subsection, "equivalent" means graduate level  
24 course work and practicum from a program accredited by the American  
25 Speech-Language-Hearing Association. Course work and practicum  
26 requirements are the same as those established by the board for a  
27 license in speech-language pathology or audiology. The clinical

1 fellowship year experience or internship may not be a requirement  
2 for the Central Education Agency certificate in speech-language  
3 pathology.

4 (c) This Act does not restrict the activities and services  
5 of students [~~or--interns~~] pursuing a course of study leading to a  
6 degree in speech-language pathology at a college or university  
7 accredited by the Southern Association of Colleges and Universities  
8 or its equivalent, provided that these activities and services  
9 constitute a part of their supervised course of study and [~~or~~  
10 ~~internship-year;--that--after--September--17--1984;~~] they are supervised  
11 by a person licensed under this Act, [~~;~~] and that they are  
12 designated by a title such as [~~"Speech-Language-Pathology-Intern"~~  
13 ~~or~~] "Speech-Language Pathology Trainee" or other title clearly  
14 indicating their professional preparation [~~the-training~~] status  
15 [~~appropriate-to-their-level-of-training~~].

16 (d) This Act does not restrict activities and services of  
17 students [~~or--interns~~] in audiology pursuing a course of study  
18 leading to a degree in audiology at a college or university  
19 accredited by the Southern Association of Colleges and Universities  
20 or its equivalent, provided that these activities and services  
21 constitute a part of their supervised course of study, [~~or~~  
22 ~~internship-year;--that--after--September--17--1984;~~] they are supervised  
23 by a person licensed under this Act, [~~;~~] and that they are  
24 designated by a title such as [~~"Audiology--Intern"--or~~] "Audiology  
25 Trainee" or other title clearly indicating their professional  
26 preparation [~~the-training~~] status [~~appropriate-to--their--level--of~~  
27 ~~training~~]. A student of audiology in an accredited college or

1 university program is exempt from Chapter 366, Acts of the 61st  
 2 Legislature, Regular Session, 1969 (Article 4566-1.01 et seq.,  
 3 Vernon's Texas Civil Statutes), and its subsequent amendments, if  
 4 the student's activities and services constitute a part of the  
 5 student's supervised course of study or practicum experience.

6 (e) [~~This--Act--does--not--restrict---the---performance---of~~  
 7 ~~speech-language--pathology-or-audiology-services-in-this-state-by-a~~  
 8 ~~person-not-a-resident-of-this-state-who-is-not-licensed-under--this~~  
 9 ~~Act,--if-the-services-are-performed-for-no-more-than-five-days-in-a~~  
 10 ~~calendar-year-and--if--the--person--meets--the--qualifications--and~~  
 11 ~~requirements-for-application-for-licensure-under-this-Act.~~

12 [~~f~~] This Act does not restrict the use of an official  
 13 title by an individual teaching in a university or college training  
 14 program, provided that the person is not engaged in the practice of  
 15 speech-language pathology or audiology and does not supervise  
 16 persons engaged in the practice of speech-language pathology or  
 17 audiology.

18 (f) [~~g~~] This Act does not permit a person to perform an  
 19 act that would be in violation of the Medical Practice Act (Article  
 20 4495b, Vernon's Texas Civil Statutes). [~~This-Act-does-not-permit-a~~  
 21 ~~person--to--provide--medical--or-surgical-diagnosis-or-treatment-of~~  
 22 ~~laryngeal-or-ear-disorders.]~~

23 (g) [~~h~~] Nothing in this Act shall be construed as  
 24 restricting or preventing a physician or surgeon from engaging in  
 25 the practice of medicine in this state. This Act does not restrict  
 26 speech or hearing testing or evaluation personally conducted by a  
 27 licensed physician or surgeon.

(h) ~~[(i)--This--Act--does--not--apply--to--persons--employed--by--the Texas--Department--of--Health--in--its--programs--concerned--with--hearing or--speech--services--as--long--as--they--are--performing--duties--under--the jurisdiction--of--the--Texas--Department--of--Health--]~~

[(j)] This Act does not apply to a person who shows evidence of having received training by the Texas Department of Health in one of the communication, speech, language, or hearing screening training programs approved by that agency, provided that all activities performed under this exception shall be limited to screening as defined by board rule ~~[of--hearing--sensitivity]~~. An individual who has received training by the department in one of the communication, speech, language, or hearing screening training programs approved by the department may not practice speech-language pathology or audiology or represent the individual as a speech-language pathologist or audiologist.

(i) ~~[(k)--This--Act--does--not--license--a--person--to--sell--hearing aids--as--defined--in--Chapter--366,--Acts--of--the--61st--Legislature, Regular--Session,--1969,--as--amended--(Article--4566-1.01--et--seq., Vernon's--Texas--Civil--Statutes)--]~~

[(l)] This Act does not prevent or restrict a person licensed under Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Article 4566-1.01 et seq., Vernon's Texas Civil Statutes), and its subsequent amendments, ~~[by--the--Texas--Board--of Examiners--in--the--Fitting--and--Dispensing--of--Hearing--Aids]~~ from engaging in the practice of fitting and dispensing hearing aids. This Act does not prohibit a fitter and dispenser of hearing aids licensed under Chapter 366, Acts of the 61st Legislature, Regular



1 Session, 1969 (Article 4566-1.01 et seq., Vernon's Texas Civil  
 2 Statutes), and its subsequent amendments, from measuring human  
 3 hearing using an audiometer or by any means to make a selection,  
 4 adaptation, or sale of a hearing aid, including making impressions  
 5 for earmolds to be used as part of a hearing aid, and any  
 6 post-fitting counseling to fit and dispense hearing aids. A person  
 7 who is not an audiologist who is licensed to fit and dispense  
 8 hearing aids under Chapter 366, Acts of the 61st Legislature,  
 9 Regular Session, 1969 (Article 4566-1.01 et seq., Vernon's Texas  
 10 Civil Statutes), and its subsequent amendments, may not practice  
 11 speech-language pathology or audiology or represent the person as a  
 12 speech-language pathologist or audiologist or by any other term  
 13 restricted by this Act.

14 (j) [(m)] This Act does not prevent persons in an industrial  
 15 setting from engaging in hearing testing as a part of a hearing  
 16 conservation program in compliance with regulations of the  
 17 Occupational Safety and Health Administration, provided that such  
 18 persons are certified by an agency acceptable to the Occupational  
 19 Safety and Health Administration.

20 (k) [(n)] This Act does not prevent or restrict  
 21 communication, speech, language, or hearing screenings as defined  
 22 by board rule [sensitivity--screening--evaluations] conducted by  
 23 registered nurses licensed by the laws of this state and practicing  
 24 in accordance with the standards of professional conduct and ethics  
 25 promulgated by the rules and regulations of the Board of Nurse  
 26 Examiners.

27 [(o)--This--Act--does--not--prevent--the--use--of--the--title

1 "Certified-Hearing-Aid-Audiologist"-by-a-person-so-certified-by-the  
2 National--Hearing--Aid--Association--if--the--person--is-a-licensed  
3 hearing-aid-dispenser-and-uses-the-title-solely-in-connection--with  
4 fitting--and-dispensing-hearing-aids-and-does-not-represent-himself  
5 to-be-a-licensed-audiologist-under-this-Act-

6 [ (p) --Nothing-in-this-Act-shall-be-construed--as--restricting  
7 or-preventing-a-licensed-psychologist-from-engaging-in-the-practice  
8 of--psychology--within--the-scope-of-the-activities-permitted-under  
9 that-license-]

10 SECTION 9. Chapter 381, Acts of the 68th Legislature,  
11 Regular Session, 1983 (Article 4512j, Vernon's Texas Civil  
12 Statutes), is amended by adding Section 9A to read as follows:

13 Sec. 9A. FITTING AND DISPENSING OF HEARING AIDS BY PERSONS  
14 REGULATED UNDER THIS ACT. (a) A person licensed as a  
15 speech-language pathologist under this Act may not fit, dispense,  
16 or sell hearing aids unless the person meets the specific  
17 requirements for fitting and dispensing hearing aids under this Act  
18 or Chapter 366, Acts of the 61st Legislature, Regular Session, 1969  
19 (Article 4566-1.01 et seq., Vernon's Texas Civil Statutes), and its  
20 subsequent amendments.

21 (b) A person who meets the requirements of this Act for  
22 licensure as an audiologist or audiologist intern who fits and  
23 dispenses hearing aids must:

24 (1) register with the board the person's intent to fit  
25 and dispense hearing aids;

26 (2) adhere to the profession's code of ethics;

27 (3) comply with the federal Food and Drug

1 Administration guidelines required for fitting and dispensing  
2 hearing aids;

3 (4) provide a written contract for services in this  
4 state that contains the name, mailing address, and telephone number  
5 of the board; and

6 (5) follow the guidelines adopted by board rule for a  
7 30-day trial period on every hearing aid purchased.

8 (c) If audiometric testing is not conducted in a stationary  
9 acoustical enclosure, sound level measurements must be conducted at  
10 the time of the testing to ensure that ambient noise levels meet  
11 permissible standards for testing threshold to 20 dB based on the  
12 most recent American National Standards Institute "ears covered"  
13 octave band criteria for permissible ambient noise levels during  
14 audiometric testing. A dBa equivalent level may be used to  
15 determine compliance. The board shall adopt rules necessary to  
16 enforce this subsection.

17 (d) A licensed hearing aid fitter and dispenser or licensed  
18 audiologist may not sell a hearing aid to a person under 18 years  
19 of age unless the prospective user, parent, or guardian presents  
20 the hearing aid fitter and dispenser or audiologist with a written  
21 statement signed by a licensed physician who specializes in  
22 diseases of the ear that states that the prospective user's hearing  
23 loss has been medically evaluated during the six-month period  
24 preceding the date the statement is presented and that the  
25 prospective user may be considered a candidate for a hearing  
26 instrument.

27 SECTION 10. Section 10, Chapter 381, Acts of the 68th

1 Legislature, Regular Session, 1983 (Article 4512j, Vernon's Texas  
2 Civil Statutes), is amended to read as follows:

3 Sec. 10. QUALIFICATION OF APPLICANTS FOR LICENSE; INTERN  
4 LICENSE. (a) To be eligible for licensing as a speech-language  
5 pathologist or audiologist, an applicant must:

6 (1) possess a minimum of ~~[at-least]~~ a master's degree  
7 with a major in not less than one of the areas of communicative  
8 sciences or disorders from a program accredited by the American  
9 Speech-Language-Hearing Association in ~~[speech-language-pathology~~  
10 ~~or-audiology-from]~~ an accredited or approved college or university;

11 (2) submit transcripts from one or more colleges or  
12 universities showing successful completion of course work in  
13 amounts set by the ~~[committee-with-the-approval-of-the]~~ board in  
14 the following areas:

15 (A) information about normal development and use  
16 of speech, language, and hearing;

17 (B) information about evaluation, habilitation,  
18 and rehabilitation of speech, language, and hearing disorders; and

19 (C) information pertaining to related fields  
20 that augment the work of clinical practitioners of speech-language  
21 pathology and audiology;

22 (3) have successfully completed at least 36 ~~[30]~~  
23 semester hours in courses that are acceptable toward a graduate  
24 degree by the college or university in which they are taken, at  
25 least 24 ~~[24]~~ of which are within the professional area for which  
26 the license is requested and at least six of which are in audiology  
27 for the applicant for a license in speech-language pathology

1 ~~[license]~~ or not less than six of which are in speech-language  
2 pathology for the applicant for a license in audiology;

3 (4) have completed the [a] minimum number of [300  
4 ~~clock~~] hours established by the board of supervised clinical  
5 experience with individuals who present a variety of communication  
6 disorders. This~~[7-and-this]~~ experience must have been obtained  
7 within his or her educational ~~[training]~~ institution or in one of  
8 its cooperating programs and under the supervision of a person  
9 holding a valid license to practice speech-language pathology or  
10 audiology~~[7-provided--during--the--first--year--of--this--Act,--the~~  
11 ~~supervision---may--be--under--a--person--who--would--have--met--the~~  
12 ~~qualifications-for-a-license-under-this-Act];~~ and

13 (5) have obtained ~~[the-equivalent-of-nine--months--of]~~  
14 full-time supervised professional experience as defined by board  
15 rule in which bona fide clinical work has been accomplished in the  
16 major professional area for which the license is being sought,  
17 under the supervision of a qualified person acceptable to the board  
18 ~~[committee]~~ pursuant to guidelines approved by the board. The  
19 supervised professional ~~[which]~~ experience must have begun after  
20 completion of the academic and clinical experience required by this  
21 section.

22 (b) An applicant who has completed the requirements of  
23 Subsections (a)(1)-(4) of this section may only be licensed as an  
24 intern under this Act. An applicant who has successfully completed  
25 all academic and clinical requirements of Subsections (a)(1)-(4) of  
26 this section but who has not had the degree officially conferred on  
27 the applicant may be licensed as an intern under this Act. The

board by rule shall prescribe the terms by which an applicant may practice under an intern's license under this subsection. The board by rule shall establish general guidelines and renewal procedures for the holder of an intern license. An audiology intern is exempt from Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Article 4566-1.01 et seq., Vernon's Texas Civil Statutes), and its subsequent amendments.

SECTION 11. Section 11, Chapter 381, Acts of the 68th Legislature, Regular Session, 1983 (Article 4512j, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 11. APPLICATION FOR LICENSE. Each person desiring a license under this Act shall make application to the board [committee] on a form and in the manner the board [committee] prescribes. The application shall be accompanied by the application fee which may not be refunded by the board [committee].

SECTION 12. Section 12, Chapter 381, Acts of the 68th Legislature, Regular Session, 1983 (Article 4512j, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 12. EXAMINATION. (a) Each applicant shall pass a validated examination approved [be--examined] by the board [committee] and shall pay fees in a manner prescribed by the board [to--the--committee,--at--least--30--days--prior--to--the--date--of examination,--a--nonrefundable--examination--fee--prescribed-by-the committee]. The examination shall be administered [given] at least twice each year [at-a-time-and-place-established-by-and--under--the supervision-of-the-committee].

(b) The board by rule may establish procedures for the

1 administration of the examination. The board by rule [committee]  
2 may require a [examine--by] written or oral examination or [by]  
3 both. The board [committee] shall maintain a record of all  
4 examination scores for at least two years after the date of  
5 examination.

6 (c) Standards for acceptable performance shall be determined  
7 by the board [committee].

8 (d) The board [committee] may examine in whatever  
9 theoretical or applied fields of speech-language pathology or  
10 audiology it deems appropriate. It may examine the candidates with  
11 regard to their professional skills and their judgment in the  
12 utilization of speech-language pathology or audiology techniques or  
13 methods.

14 (e) Persons who fail the examination may be examined at a  
15 subsequent time if they pay another nonrefundable examination fee.  
16 No applicant who has taken and failed to pass two examinations may  
17 take the examination until the person has submitted a new  
18 application together with a nonrefundable application fee and  
19 presented evidence acceptable to the board [committee] of  
20 additional study in the area for which licensure is sought. A  
21 person who fails a licensing examination administered under this  
22 Act shall contact the testing service administering the examination  
23 to request an analysis of the person's performance on the  
24 examination.

25 (f) Not later than the 30th day after the date on which a  
26 licensing examination is administered under this Act, the board  
27 shall notify each examinee of the results of the examination.

However, if an examination is graded or reviewed by a national or state testing service and the testing service does not directly notify examinees of the results of the examination, the board shall notify examinees of the results of the examination not later than the 14th day after the date on which the board receives the results from the testing service. If the notice of examination results graded or reviewed by a national or state testing service will be delayed for longer than 90 days after the examination date, the board shall notify the examinee of the reason for the delay before the 90th day. [The--committee--may--waive--the--examination--for applicants-who-

(1)--present--proof--of--current--licensure--in--another state,--including--the--District--of--Columbia,--or--territory--of--the United--States--which--maintains--professional--standards--considered--by the--committee--to--be--equivalent--to--those--set--forth--in--this--Act,--or (2)--hold--the--Certificate--of--Clinical--Competence--of the--American--Speech--Language--Hearing--Association--in--the--area--for which--a--license--is--being--sought.]

SECTION 13. Section 13, Chapter 381, Acts of the 68th Legislature, Regular Session, 1983 (Article 4512j, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 13. LICENSING UNDER SPECIAL CONDITIONS. (a) [The committee--on--request---must---waive---educational,---professional experience,---and---examination---requirements---for---licensure--in speech--language--pathology--for--applicants--who--hold--a--baccalaureate or--graduate--degree,--are--fully--certified--by--the--Central--Education Agency--in--speech--and--hearing--therapy--or--in--the--judgment--of--the



1 committee--have--met--equivalent-requirements,--and-within-two-years  
 2 prior-to-the-effective--date--of--this--Act--were--engaged--in--the  
 3 practice--of--speech--pathology--on--proof-of-bona-fide-practice-of  
 4 speech--pathology,--presented--to--the--committee--in--the--manner  
 5 prescribed--by--the--committee's--rules,--provided--they--file--an  
 6 application-for-licensure-with-the-committee-or-the-board-of-health  
 7 before-January-1,--1986.---Such--licenses--shall--be--issued--without  
 8 delay--and--shall-be-renewed-in-the-same-manner-as-licenses-granted  
 9 under-other-provisions-of-this-Act.

10 [(b)--The-committee-on-request-shall--waive--educational--and  
 11 professional-experience-requirements-for-a-license-in-audiology-for  
 12 an--applicant--who,--on--the--effective--date--of--this-Act,--holds-a  
 13 graduate-degree-from-an-accredited-institution-of-higher--education  
 14 with--a--major--in--speech-language-pathology-or-audiology,--and-has  
 15 been-continuously-engaged-in-the--practice--of--audiology--for--ten  
 16 years--immediately--preceding--the--effective--date--of--this--Act,--  
 17 provided--the-applicant-files-an-application-for-licensure-with-the  
 18 committee-on-or-before-January-1,--1986.---Such--an--applicant--must  
 19 pass--the--licensing--examination--under-Section-12-of-this-Act-not  
 20 later-than-August-31,--1986.

21 [(c)] The board [committee] may [waive-the-examination--and]  
 22 grant a provisional license [licensure] to an applicant who:

23 (1) possesses a license in good standing as a  
 24 speech-language pathologist or an audiologist in another state, the  
 25 District of Columbia, or a territory of the United States that has  
 26 licensing requirements that are substantially equivalent to the  
 27 requirements of this Act;

1           (2) has passed a national or other examination  
2 relating to speech-language pathology or audiology that is  
3 recognized by the board; and

4           (3) is sponsored by a person licensed by the board  
5 under this Act with whom the provisional license holder may  
6 practice under this section [~~presents proof of current licensure in~~  
7 ~~another state, including the District of Columbia, or territory of~~  
8 ~~the United States which maintains professional standards considered~~  
9 ~~by the committee to be equivalent to those set forth in this Act~~].

10          (b) An applicant for a provisional license may be excused  
11 from the requirement of Subsection (a)(3) of this section if the  
12 board determines that compliance with that subsection constitutes a  
13 hardship to the applicant.

14          (c) A provisional license is valid until the date the board  
15 approves or denies the provisional license holder's application for  
16 a license. The board shall issue a license under this Act to the  
17 holder of a provisional license under this section if:

18           (1) the provisional license holder passes the  
19 examination required by Section 12 of this Act;

20           (2) the board verifies that the provisional license  
21 holder has the academic and experience requirements for a license  
22 under this Act; and

23           (3) the provisional license holder satisfies any other  
24 license requirements under this Act.

25          (d) The board must complete the processing of a provisional  
26 license holder's application for a license not later than the 180th  
27 day after the date the provisional license is issued.

1        (e) [~~td~~] The board [~~committee~~] may waive the examination  
2 and grant licensure to an applicant who holds the Certificate of  
3 Clinical Competence of the American Speech-Language Hearing  
4 Association [~~or--has--met--equivalent-requirements-in-the-area-for~~  
5 ~~which-a-license-is-sought~~].

6        SECTION 14. Sections 14(a), (c), and (d), Chapter 381, Acts  
7 of the 68th Legislature, Regular Session, 1983 (Article 4512j,  
8 Vernon's Texas Civil Statutes), are amended to read as follows:

9        (a) The board [~~committee~~] shall issue a license to an  
10 applicant who meets the requirements of this Act and who pays to  
11 the board [~~committee~~] the initial nonrefundable license fee.

12        (c) On receiving an application provided for under  
13 Subsection (b) of this section accompanied by the nonrefundable  
14 application fee, the board [~~committee~~] shall issue a temporary  
15 certificate of registration which entitles the applicant to  
16 practice audiology or speech-language pathology for a period ending  
17 eight weeks after the conclusion of the next examination given  
18 after the date of issue.

19        (d) The board by rule may adopt a system under which  
20 licenses expire on various dates during the year. For the year in  
21 which the license expiration date is changed, license fees payable  
22 on the original expiration date shall be prorated on a monthly  
23 basis so that each licensee shall pay only that portion of the  
24 license fee that is allocable to the number of months during which  
25 the license is valid. On renewal of the license on the new  
26 expiration date, the total license renewal fee is payable [~~At~~  
27 ~~licenses--expire--and--become--invalid--one--year--from-the-date-of~~

1 ~~issuance-if-not-renewed~~].

2 SECTION 15. Chapter 381, Acts of the 68th Legislature,  
3 Regular Session, 1983 (Article 4512j, Vernon's Texas Civil  
4 Statutes), is amended by adding Section 14A to read as follows:

5 Sec. 14A. TEMPORARY LICENSE; INACTIVE STATUS. (a) The  
6 board by rule may provide for the issuance of a temporary license.

7 (b) The board by rule may provide for a person who holds a  
8 license under this Act to be placed on inactive status. Rules  
9 adopted under this section shall include a time limit for a license  
10 holder to remain on inactive status.

11 SECTION 16. Sections 15(a), (c), and (d), Chapter 381, Acts  
12 of the 68th Legislature, Regular Session, 1983 (Article 4512j,  
13 Vernon's Texas Civil Statutes), are amended to read as follows:

14 (a) Each licensed speech-language pathologist or audiologist  
15 shall annually pay the nonrefundable renewal fee for a renewal of  
16 his license. A 60-day grace period shall be allowed. After  
17 expiration of the grace period, the board ~~[committee]~~ may renew  
18 each license after payment of a penalty set by the rules. No  
19 person who applies for renewal within two years after the date of  
20 expiration of the license may be required to submit to an  
21 examination as a condition to renewal. An application for a  
22 license filed not later than the second anniversary of the  
23 expiration date of the person's license is considered an  
24 application for renewal.

25 (c) Renewal ~~[Within-three-years-of--the--effective--date--of~~  
26 ~~this--Act,--renewal]~~ of a license is contingent on the applicant's  
27 meeting uniform mandatory continuing education requirements that

1 shall be established by the board [committee]. These continuing  
2 education requirements must be of such a nature that they can be  
3 met without necessitating an extended absence from the licensee's  
4 county of residence. [~~Notice-of-continuing-education--requirements~~  
5 ~~shall--be--sent--to-all-persons-licensed-under-this-Act-at-least-12~~  
6 ~~months-prior-to-the-time--that--the--person's--license--renewal--is~~  
7 ~~dependent-on-completion-of-the-requirements.]~~ Continuing education  
8 requirements shall be sent to new applicants with the forms on  
9 which they are to apply for licensure. Notification or changes in  
10 continuing education requirements shall be sent to persons licensed  
11 under this Act at least one year prior to the date on which the new  
12 requirements become effective.

13 (d) If a person's license has been expired for two years or  
14 longer, the person may not renew the license. The person may  
15 obtain a new license by complying with the requirements and  
16 procedures for obtaining an original license. However, the board  
17 may renew without reexamination an expired license of a person who  
18 within the last three years was licensed in this state and is  
19 currently licensed and has been in practice in another state for  
20 the two years preceding application. An applicant who was licensed  
21 in this state but whose license has been expired for more than  
22 three years may reapply for a license by meeting the current  
23 licensing requirements. The board may adopt rules concerning the  
24 reinstatement of a license in a case of medical hardship. To  
25 renew an expired license the person must pay to the board a fee  
26 that is equal to the examination fee for the license. [A-suspended  
27 ~~license--is-subject-to-expiration-and-may-be-renewed-as-provided-in~~

1 this Act, but the renewal does not entitle the licensee, while the  
 2 license remains suspended and until it is reinstated, to engage in  
 3 the licensed activity or in any other activity or conduct in  
 4 violation of the order or judgment by which the license was  
 5 suspended. A license revoked on disciplinary grounds is subject to  
 6 expiration as provided in this Act, but it may not be renewed. If  
 7 it is reinstated after its expiration, the licensee as a condition  
 8 of reinstatement shall pay a reinstatement fee in an amount equal  
 9 to the renewal fee in effect on the last preceding regular renewal  
 10 date before the date on which it is reinstated, plus the  
 11 delinquency fee, if any, accrued at the time of the license  
 12 revocation.]

13 SECTION 17. Section 16, Chapter 381, Acts of the 68th  
 14 Legislature, Regular Session, 1983 (Article 4512j, Vernon's Texas  
 15 Civil Statutes), is amended to read as follows:

16 Sec. 16. FEES. [The amount of fees initially prescribed in  
 17 connection with a license as a speech language pathologist or  
 18 audiologist may not exceed the following:

19 [1] application fee: ----- \$75

20 [2] examination fee: ----- \$50

21 [3] initial license fee: ---- \$75

22 [4] license renewal fee: ---- \$75

23 [5] delinquency fee: ----- \$50

24 [6] temporary license fee: -- \$25

25 [7] duplicate license fee: -- \$10]

26 The board [committee] by rule shall establish reasonable and  
 27 necessary fees. The [and such] fees set by the board shall be

1 adjusted so that the total fees collected, in the aggregate, shall  
2 be sufficient to meet the expenses of administering this Act [~~and~~  
3 ~~so-that-unnecessary-surpluses-in-the-fund-provided-for--in--Section~~  
4 ~~20-of-this-Act-are-avoided~~].

5 SECTION 18. Section 17, Chapter 381, Acts of the 68th  
6 Legislature, Regular Session, 1983 (Article 4512j, Vernon's Texas  
7 Civil Statutes), is amended to read as follows:

8 Sec. 17. DENIAL, SUSPENSION, AND REVOCATION. (a) The board  
9 [~~committee~~] may refuse to issue a license to an applicant or may  
10 suspend or revoke the license of any licensee for any of the  
11 following causes:

12 (1) obtaining a license by means of fraud,  
13 misrepresentation, or concealment of material facts;

14 (2) selling, bartering, or offering to sell or barter  
15 a license or certificate of registration;

16 (3) unprofessional conduct that has endangered or is  
17 likely to endanger the health, welfare, or safety of the public as  
18 defined by the rules established by the board [~~committee~~] or  
19 violation of the code of ethics adopted and published by the board  
20 [~~committee~~];

21 (4) violating any lawful order or rule rendered or  
22 adopted by the board [~~committee~~]; or

23 (5) violating any provisions of this Act.

24 (b) The board [~~committee~~] shall deny an application for or  
25 suspend or revoke or impose probationary conditions on a license as  
26 ordered by the board [~~committee~~] in any decision made after hearing  
27 as provided in this Act. One year from the date of revocation of a

1 license under this Act, application may be made to the board  
2 [~~committee~~] for reinstatement. The board [~~committee~~] shall have  
3 discretion to accept or reject an application for reinstatement and  
4 may require an examination for the reinstatement.

5 (c) A plea or verdict of guilty or a conviction following a  
6 plea of nolo contendere made to a charge of a felony or of an  
7 offense involving moral turpitude is deemed to be a conviction  
8 within the meaning of this Act. At the direction of the board  
9 [~~committee~~] the license may be suspended or revoked or the board  
10 [~~committee~~] may decline to issue a license when the time for appeal  
11 of the conviction has elapsed or the judgment or conviction has  
12 been affirmed on appeal, or when an order granting probation is  
13 made suspending the imposition of sentence irrespective of a  
14 subsequent order allowing a person to withdraw his or her plea of  
15 guilty, or setting aside the verdict of guilty, or dismissing the  
16 information or indictment.

17 (d) In addition to the other disciplinary actions authorized  
18 by this section, the board may issue a written reprimand to a  
19 license holder who violates this Act or require that a license  
20 holder who violates this Act attend continuing education programs.  
21 The board may specify the number of hours that must be completed by  
22 an individual license holder to fulfill the requirements of this  
23 subsection.

24 (e) If a license suspension is probated, the board may  
25 require the license holder to:

26 (1) report regularly to the board on matters that are  
27 the basis of the probation;



1           (2) limit practice to the areas prescribed by the  
2   board; or

3           (3) continue or review continuing professional  
4   education until the license holder attains a degree of skill  
5   satisfactory to the board in those areas that are the basis of the  
6   probation.

7           (f) The schedule of sanctions adopted by the board by rule  
8   shall be used for any sanction imposed as the result of a hearing  
9   conducted by the board.

10          SECTION 19.     Section 18(b), Chapter 381, Acts of the 68th  
11   Legislature, Regular Session, 1983 (Article 4512j, Vernon's Texas  
12   Civil Statutes), is amended to read as follows:

13          (b) If a person other than a licensed speech-language  
14   pathologist or audiologist has engaged in any act or practice which  
15   constitutes an offense under this Act, a district court of any  
16   county on application of the board [~~committee~~] may issue an  
17   injunction or other appropriate order restraining such conduct.

18          SECTION 20.     Section 19, Chapter 381, Acts of the 68th  
19   Legislature, Regular Session, 1983 (Article 4512j, Vernon's Texas  
20   Civil Statutes), is amended to read as follows:

21          Sec. 19.   PROCEDURES FOR DENIAL, REVOCATION, OR SUSPENSION OF  
22   A LICENSE. (a) A person whose application for a license is denied  
23   is entitled to a hearing before the board [~~committee~~] if such  
24   person submits a written request to the board [~~committee~~].

25          (b) Proceedings for revocation or suspension of a license  
26   shall be commenced by filing charges with the board [~~committee~~] in  
27   writing and under oath. The charges may be made by any person or

1 persons.

2 (c) [The--chairperson--of--the--committee--shall--fix--a--time--and  
3 place--for--a--hearing--and--shall--cause--a--written--copy--of--the--charges  
4 or--reason--for--denial--of--a--license,--together--with--a--notice--of--the  
5 time--and--place--fixed--for--the--hearing,--to--be--served--on--the--applicant  
6 requesting--the--hearing--or--the--licensee--against--whom--the--charges  
7 have--been--filed--at--least--20--days--prior--to--the--date--set--for--the  
8 hearing.---Service--of--charges--and--notice--of--hearing--may--be--given--by  
9 certified--mail--to--the--last--known--address--of--the--licensee--or  
10 applicant.]

11 [(d)---At--the--hearing--the--applicant--or--licensee--has--the--right  
12 to--appear--either--personally--or--by--counsel--or--both,--to--produce  
13 witnesses,--to--have--subpoenas--issued--by--the--committee,--and--to  
14 cross-examine--opposing--or--adverse--witnesses.]

15 [(e)---The--committee--shall--determine--the--charges--on--their  
16 merits--and--enter--an--order--in--a--permanent--record--setting--forth--the  
17 findings--of--fact--and--law--and--the--action--taken.---A--copy--of--the--order  
18 of--the--committee--shall--be--mailed--to--the--applicant--or--licensee--at  
19 his--or--her--last--known--address--by--certified--mail.]

20 [(f)---An--individual--whose--application--for--a--license--has--been  
21 refused--or--whose--license--has--been--cancelled,--revoked,--or--suspended  
22 by--the--committee--may--take--an--appeal,--within--20--days--after--the--order  
23 is--entered,--to--any--district--court--of--Travis--County--or--to--any  
24 district--court--of--the--county--of--his--or--her--residence.]

25 [(g)---In--all--appeals--prosecuted--in--any--of--the--courts--of--this  
26 state--pursuant--to--the--provisions--of--this--Act,--such--trials--shall--be  
27 de-novo--as--that--term--is--used--and--understood--in--appeals--from--justice]

1 of--the-peace-courts---Under-no-circumstances-shall-the-substantial  
2 evidence-rule-as-interpreted-and-applied-by-the-courts-in-Texas--in  
3 other-cases-ever-be-used-or-applied-to-appeals-prosecuted-under-the  
4 provisions-of-this-Act-

5 [h] All proceedings under this Act shall conform to the  
6 requirements of the Administrative Procedure and Texas Register  
7 Act, as amended (Article 6252-13a [6252-13g], Vernon's Texas Civil  
8 Statutes), except as modified by this section.

9 SECTION 21. Section 20, Chapter 381, Acts of the 68th  
10 Legislature, Regular Session, 1983 (Article 4512j, Vernon's Texas  
11 Civil Statutes), is amended to read as follows:

12 Sec. 20. DISPOSITION OF FUNDS RECEIVED. (a) All funds  
13 received by the board [committee] under this Act shall be deposited  
14 in accordance with applicable state law in the State Treasury in a  
15 separate fund to be known as the speech-language pathology and  
16 audiology fund and be appropriated to the board [Texas-Department  
17 of-Health] solely for administration of this Act.

18 (b) All [After--August--31--1984--all] expenses for the  
19 administration of the Act shall be paid from fees collected by the  
20 board [committee] under this Act.

21 [c]--There---is---hereby---appropriated---\$80,000---to---the  
22 speech-language-pathology-and-audiology-fund-for-the-implementation  
23 of--this--Act,--said-funds-coming-from-the-General-Revenue-Fund-for  
24 the-first-year-provided-that-the-first-\$80,000-of--application--and  
25 license--fees-shall-be-retained-to-the-General-Revenue-Fund-as-they  
26 are-received-]

27 SECTION 22. Section 22, Chapter 381, Acts of the 68th

1 Legislature, Regular Session, 1983 (Article 4512j, Vernon's Texas  
2 Civil Statutes), is amended to read as follows:

3 Sec. 22. SUNSET PROVISION. The State Board [~~Committee~~] of  
4 Examiners for Speech-Language Pathology and Audiology is subject to  
5 Chapter 325, Government Code (Texas Sunset Act). Unless continued  
6 in existence as provided by that chapter, the board [~~committee~~] is  
7 abolished and this Act expires September 1, 2005 [~~1993~~].

8 SECTION 23. Chapter 381, Acts of the 68th Legislature,  
9 Regular Session, 1983 (Article 4512j, Vernon's Texas Civil  
10 Statutes), is amended by adding Section 23 to read as follows:

11 Sec. 23. COMPLAINT PROCEDURE IN GENERAL. (a) The board  
12 shall keep an information file about each complaint filed with the  
13 board. The board's information file shall be kept current and  
14 contain a record for each complaint of:

15 (1) all persons contacted in relation to the  
16 complaint;

17 (2) a summary of findings made at each step of the  
18 complaint process;

19 (3) an explanation of the legal basis and reason for a  
20 complaint that is dismissed; and

21 (4) other relevant information.

22 (b) If a written complaint is filed with the board that the  
23 board has authority to resolve, the board, at least as frequently  
24 as quarterly and until final disposition of the complaint, shall  
25 notify the parties to the complaint of the status of the complaint  
26 unless the notice would jeopardize an undercover investigation.

27 (c) The board by rule shall adopt a form to standardize

1 information concerning complaints made to the board. The board by  
2 rule shall prescribe information to be provided to a person when  
3 the person files a complaint with the board.

4 (d) The board shall provide reasonable assistance to a  
5 person who wishes to file a complaint with the board.

6 (e) The board shall list along with its regular telephone  
7 number the toll-free telephone number that may be called to present  
8 a complaint about a health professional if the toll-free number is  
9 established under other state law.

10 SECTION 24. Chapter 381, Acts of the 68th Legislature,  
11 Regular Session, 1983 (Article 4512j, Vernon's Texas Civil  
12 Statutes), is amended by adding Sections 24 and 25 to read as  
13 follows:

14 Sec. 24. COMPLAINT INVESTIGATION AND DISPOSITION. (a) The  
15 board shall adopt rules concerning the investigation of a complaint  
16 filed with the board. The rules adopted under this subsection  
17 shall:

18 (1) distinguish between categories of complaints;  
19 (2) ensure that complaints are not dismissed without  
20 appropriate consideration;

21 (3) require that the board be advised of a complaint  
22 that is dismissed and that a letter be sent to the person who filed  
23 the complaint explaining the action taken on the dismissed  
24 complaint;

25 (4) ensure that the person who filed the complaint has  
26 an opportunity to explain the allegations made in the complaint;  
27 and

1           (5) prescribe guidelines concerning the categories of  
2 complaints that require the use of a private investigator and the  
3 procedures for the board to obtain the services of a private  
4 investigator.

5           (b) The board shall dispose of all complaints in a timely  
6 manner. The board shall establish a schedule for conducting each  
7 phase of a complaint that is under the control of the board not  
8 later than the 30th day after the date the complaint is received by  
9 the board. The schedule shall be kept in the information file for  
10 the complaint and all parties shall be notified of the projected  
11 time requirements for pursuing the complaint. A change in the  
12 schedule must be noted in the complaint information file and all  
13 parties to the complaint must be notified not later than the  
14 seventh day after the date the change is made.

15           (c) The director of the board shall notify the board of a  
16 complaint that extends beyond the time prescribed by the board for  
17 resolving the complaint so that the board may take necessary action  
18 on the complaint.

19           Sec. 25. INFORMAL PROCEEDINGS. (a) The board by rule shall  
20 adopt procedures governing:

21           (1) informal disposition of a contested case under  
22 Section 13(e), Administrative Procedure and Texas Register Act  
23 (Article 6252-13a, Vernon's Texas Civil Statutes), and its  
24 subsequent amendments; and

25           (2) informal proceedings held in compliance with  
26 Section 18(c), Administrative Procedure and Texas Register Act  
27 (Article 6252-13a, Vernon's Texas Civil Statutes), and its

1 subsequent amendments.

2 (b) Rules adopted under this section must:

3 (1) provide the complainant, if applicable and  
4 permitted by law, an opportunity to be heard;

5 (2) provide the licensee an opportunity to be heard;  
6 and

7 (3) require the presence of an attorney to advise the  
8 board or board's employees.

9 (c) The attorney under Subsection (b)(3) of this section  
10 must be either a legal representative of the department who  
11 represents the board or the board's employees or a representative  
12 of the office of the attorney general.

13 SECTION 25. Chapter 381, Acts of the 68th Legislature,  
14 Regular Session, 1983 (Article 4512j, Vernon's Texas Civil  
15 Statutes), is amended by adding Section 26 to read as follows:

16 Sec. 26. MONITORING OF LICENSE HOLDER. The board by rule  
17 shall develop a system for monitoring license holders' compliance  
18 with the requirements of this Act. Rules adopted under this  
19 section shall include procedures for monitoring a license holder  
20 who is ordered by the board to perform certain acts to ascertain  
21 that the license holder performs the required acts and to identify  
22 and monitor license holders who represent a risk to the public.

23 SECTION 26. Section 21, Chapter 381, Acts of the 68th  
24 Legislature, Regular Session, 1983 (Article 4512j, Vernon's Texas  
25 Civil Statutes), is repealed.

26 SECTION 27. This Act takes effect September 1, 1993.

27 SECTION 28. The importance of this legislation and the

C.S.H.B. No. 1478

1 crowded condition of the calendars in both houses create an  
2 emergency and an imperative public necessity that the  
3 constitutional rule requiring bills to be read on three several  
4 days in each house be suspended, and this rule is hereby suspended.



# COMMITTEE REPORT

The Honorable Pete Laney  
Speaker of the House of Representatives

May 4, 1993  
(date)

Sir:

We, your COMMITTEE ON PUBLIC HEALTH

to whom was referred HB 1478 have had the same under consideration and beg to report  
(measure)

back with the recommendation that it

( ) do pass, without amendment.

( ) do pass, with amendment(s).

☒ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. ☒ yes ( ) no An author's fiscal statement was requested. ( ) yes ☒ no

A criminal justice policy impact statement was requested. ( ) yes ☒ no

An equalized educational funding impact statement was requested. ( ) yes ☒ no

An actuarial impact statement was requested. ( ) yes ☒ no

A water development policy impact statement was requested. ( ) yes ☒ no

( ) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

House Sponsor of Senate Measure \_\_\_\_\_

The measure was reported from Committee by the following vote:

|               | AYE | NAY | PNV | ABSENT |
|---------------|-----|-----|-----|--------|
| Berlanga, Ch. | X   |     |     |        |
| Delisi, V.C.  | X   |     |     |        |
| Clemons       | X   |     |     |        |
| Coleman       | X   |     |     |        |
| Glaze         | X   |     |     |        |
| Harris        |     |     |     | X      |
| Hirschi       | X   |     |     |        |
| McDonald      |     |     |     | X      |
| Maxey         | X   |     |     |        |
| McCall        | X   |     |     |        |
| Park          | X   |     |     |        |
|               |     |     |     |        |
|               |     |     |     |        |
|               |     |     |     |        |
|               |     |     |     |        |
|               |     |     |     |        |

Total

9 aye  
0 nay  
0 present, not voting  
2 absent

H. Berlanga  
CHAIRMAN

## Bill Analysis

### BACKGROUND

The State Committee of Examiners for Speech-Language Pathology and Audiology was created in 1983 and has the responsibility and authority to examine, license, and regulate the practice of speech-language pathology and audiology in the state. The board's enabling act is a practice act in that it regulates the practice of speech-language pathology and audiology and prohibits unlicensed individuals from engaging in the practice of these professions. To fulfil its responsibilities, the committee proposes rules regarding the practice of speech-language pathology and audiology. The Board of Health makes final decisions on all new rules or changes. The committee is also responsible for determining the qualifications of applicants, administering a national examination, issuing initial and renewal licenses, investigating complaints against licensees, and taking disciplinary action to enforce its enabling act. The committee is composed of three speech-language pathologists, three audiologists, two members who represent the general public and one medical doctor. The committee prescribes and maintains standards for approximately 4,230 speech-language pathologists, 200 associates in speech-language pathology, 590 audiologists, and 7 associates in audiology. The committee's FY 1992 expenditures totalled \$145,546 and its FY 1993 budget is \$139,156. The committee is funded from fee revenues deposited in Speech-Language Pathology and Audiology Fund No. 515 in the state treasury. The committee had four FTE employees in FY 1992.

The State Committee of Examiners for Speech-Language Pathology and Audiology is subject to the Sunset Act and will be abolished September 1, 1993 unless continued by the legislature. As a result of its review of the committee, the Sunset Advisory Commission recommended several statutory modifications that are contained in this legislation.

### PURPOSE

The purpose of this bill is to continue the State Committee of Examiners for Speech-Language Pathology and Audiology and make additional statutory modifications. The modifications proposed by this bill:

- change the committee to a board and grant the board rulemaking authority;
- require that fees be set by the board as necessary to cover the cost of regulation;
- require that all licensing examinations be validated;
- authorize a full range of licensing options and require the board to set a limit for temporary licenses;
- authorize an adequate range of enforcement powers which include the use of continuing education and written reprimands;
- authorize audiologists to fit and dispense hearing aids under this Act;
- require applicants for a Central Education Agency certificate in speech-language pathology to hold a master's degree in communicative disorders;
- require mandatory continuing education;
- require that standard procedures be established for complaint intake, investigations,

informal hearings, and development of disciplinary sanctions and develop procedures for monitoring, record keeping, and meeting timelines for complaint resolution;

- prohibit a licensed hearing aid fitter and dispenser or licensed audiologist from selling a hearing aid to a person under 18 years of age unless the prospective user, parent, or guardian presents a written statement signed by a physician which states the person has been examined and is a candidate for a hearing instrument;
- establish a 1-800 telephone number for complaint information;
- establish training requirements for members of the board;
- establish a procedure for licensing out-of-state practitioners seeking licensure in Texas;
- authorize the board to establish procedures for administration of the examination; and
- provide for other changes as recommended by the Sunset Commission.

#### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2, Chapter 381, Acts of the 68th legislature, regular Session, 1983 (Article 4512j, Vernon's Texas Civil Statutes). Sec. 2. (1) and (2) Changes "the State Committee of Examiners for Speech-Language Pathology and Audiology" to the "State Board of Examiners for Speech-Language Pathology and Audiology." Change is made throughout the bill. Deletes definition of "committee".

(5) - (7) Includes new terminology in scope of practice definitions.

(8) Replaces the term "speech-language pathology aide" with "licensed assistant in speech-language pathology".

(9) Replaces the term "audiology aide" with "licensed assistant in audiology".

SECTION 2. Amends Section 3. Changes "committee" to "board" and requires new board members to comply with board member training requirements established by other state agencies given authority to establish such training programs.

SECTION 3. Amends Section 4. Changes "committee" to "board" and subjects the board to the open meetings law. Deletes language relating to initial terms.

SECTION 4. Amends Section 5. (a) Authorizes the board to adopt rules.

(b)-(d) Changes "committee" to "board".

(e) Specifies that persons licensed under this act are subject to rules adopted by the board.

(g) and (h) Changes "committee" to "board".

(i) Adds standard language developed by the Sunset Commission. Requires the board to develop and implement policies that clearly define the respective responsibilities of the board and the staff.

(j) Adds standard language developed by the Sunset Commission. Requires the agency to develop a plan that describes how non-English speaking persons can be provided reasonable access to the agency's programs. Also requires the board to comply with federal and state laws

for program and facility accessibility.

(k) Adds standard language developed by the Sunset Commission. Requires the board provide the public with reasonable opportunity to appear before it regarding issues under its jurisdiction.

SECTION 5. Amends Section 6. Changes "COMMITTEE" to "BOARD".

SECTION 6. Amends Section 7. Changes "committee" to "board".

SECTION 7. Amends Sections 8(a) and (b). (a) Requires the board to establish qualifications, rules, and licensing options related to dual licensure.

(b) Specifies that a person cannot represent himself or herself as a speech-language pathologist or audiologist in the state unless licensed in the state.

SECTION 8. Amends Sections 9(b)-(p). (b) Adds language requiring the Central Education Agency to require the applicant for a certificate in speech-language pathology to hold a master's degree in communicative disorders or the equivalent from a university accredited by the American Speech-Language-Hearing Association and to pass a national examination in speech-language pathology or audiology.

(c) and (d) Specifies that this Act does not restrict the activities of a student pursuing a course of study leading to a degree in speech-language pathology or audiology.

(e) Deletes language allowing a person who is from out-of-state to practice speech-language pathology or audiology in the state for a period of not more than five days.

(f) Deletes language prohibiting a person licensed under this Act from providing medical or surgical diagnosis or treatment.

(g) Specifies that nothing in this Act shall prevent a physician or surgeon from personally conducting speech or hearing testing.

(h) Specifies that a person who has received training by the Texas Department of health in a training program approved by the agency shall be limited to conducting services defined as screening by board rule. A person who has received training by the Department of Health may not practice speech-language pathology or audiology or represent themselves as a speech-language pathologist or audiologist. Deletes language which allows persons employed by the Department of Health from providing speech or hearing services as long as they are providing these services under the Department of Health.

(i) Specifies that this Act does not prohibit a person licensed under Article 4566 from engaging in the practice of fitting and dispensing hearing aids and allows an audiologist to fit and dispense hearing aids under the audiology license. Prohibits a person licensed as a hearing aid fitter and dispenser from practicing speech-language pathology or audiology or representing themselves as a speech-language pathologist or audiologist. Deletes language prohibiting a person licensed under this act from selling hearing aids.

(k) Specifies that this Act does not prohibit screenings, as defined by board rules, by registered nurses. Deletes language referring to the title "Certified Hearing Aid Audiologist" and language stating that nothing in this act shall restrict a licensed psychologist from engaging in the practice of psychology.

SECTION 9. Adds Section 9A. Sec. 9A. FITTING AND DISPENSING OF HEARING AIDS BY PERSONS REGULATED UNDER THIS ACT. (a) Prohibits persons licensed as a speech-language pathologists from fitting and dispensing hearing aids unless the person meets the requirements for fitting and dispensing hearing aids under this Act.

(b) Requires persons who are licensed under this Act as audiologists or audiologist interns to meet certain requirements to fit and dispense hearing aids.

(c) Requires that certain standards be met if audiometric testing is not conducted in a stationary acoustical enclosure.

(d) Prohibits a licensed hearing aid fitter and dispenser or a licensed audiologist from selling a hearing aid to a person under 18 years of age unless the prospective user, parent, or guardian presents a written statement signed by a licensed specialist who specializes in diseases of the ear which states the person has been examined and is a candidate for a hearing instrument.

SECTION 10. Amends Section 10. Adds "; INTERN LICENSE." to the title. (a) Adds new language in subsection (1), (3), and (4) which clarifies curriculum requirements of applicants for licensure.

(b) Adds language establishing the terms under which an audiology intern may be licensed.

SECTION 11. Amends Section 11. Changes "committee" to "board".

SECTION 12. Amends Section 12. (a) Requires that each applicant pass a validated examination and requires applicants to pay fees for the examination as specified by the board. Changes "committee" to "board".

(b) Authorizes the board to establish procedures for administration of the examination. Changes "committee" to "board".

(c) and (d) Changes "committee" to "board".

(e) Specifies that a person who fails the examination must contact the testing service administering the examination for an analysis of performance. Changes "committee" to "board".

(f) Adds standard language developed by the Sunset Commission. Requires the board to notify license applicants of licensing examination results within a reasonable time of the examination date. Deletes language related to the examination.

SECTION 13. Amends Section 13. Adds language recommended by the Sunset Commission. Establishes a provisional licensing process for out-of-state practitioners. Deletes old language related to reciprocity.

SECTION 14. Amends Section 14. (a) and (b) Changes "committee" to "board".

(c) Adds standard language developed by the Sunset Commission. Authorizes the board to adopt a staggered license renewal system.

SECTION 15. Adds Section 14A. Sec. 14A. TEMPORARY LICENSE; INACTIVE STATUS. (a) Authorizes the board to provide for a temporary license.

(b) Authorizes the board, by rule, to develop a process for placing licenses on inactive status and specifies that rules shall contain a time limit for the amount of time that a license to remain on inactive status.

SECTION 16. Amends Section 15. (a) Allows an individual up to two years to renew a license without reexamination.

(c) and (d) Establishes requirements for license renewal. Deletes old language related to license renewal.

SECTION 17. Amends Section 16. Requires that fees be set by the boards as necessary

to cover the cost of regulation.

SECTION 18. Amends Section 17. (a)-(c) Changes "committee" to "board".

(d) Authorizes the board to use continuing education as a disciplinary tool.

(e) Requires the board to use a full range of penalties, such as reprimand, suspension or revocation, for violations of state laws or agency rules.

(f) Requires the board to adopt a schedule of sanctions, by rule, to be used for any sanction imposed as a result of a hearing conducted by the board.

SECTION 19. Amends Section 18. (b) Changes "committee" to "board".

(c) Deletes old language related to disciplinary hearings and appeals.

SECTION 20. Amends Section 19. (a) and (b) Changes "committee" to "board".

(c) Requires all proceeding of the board to conform to the Administrative Procedure and Texas Register Act. Deletes old language related to proceedings of the committee.

SECTION 21. Amends Section 20. Changes "committee" to "board". Deletes language relating the to original appropriation made to the committee.

SECTION 22. Amends Section 22. Changes the board's sunset date from 1993 to 2005. Changes "committee" to "board".

SECTION 23. Adds Section 23. Sec. 23. COMPLAINT PROCEDURE IN GENERAL.

(a) Requires the board to maintain a complaint information file that includes information about persons contacted in relation to the complaint; a summary of findings made at each step of the complaint process; a explanation of why a complaint is dismissed; and any other relevant information.

(b) Requires the board to provide information to the parties to the complaint on a regular basis.

(c) Requires the board to develop a standardized complaint form.

(d) Requires the board to provide reasonable assistance to person's wishing to file complaints.

(e) Requires the board to list a toll-free telephone number for complaints with its regular number.

SECTION 24. Adds Sections 24 and 25. Sec. 24. COMPLAINT INVESTIGATION AND DISPOSITION. (a) Requires the board to adopt rules concerning the investigation of complaints and lays out guidelines for these rules.

(b) Requires the board to dispose of complaints in a timely manner; develop a schedule for conducting each phase of the complaint investigation; keep the schedule in the complaint file; and notify parties to the complaint of the schedule and any changes in the schedule.

(c) Requires the director to notify the board of any complaints that take an abnormally long time to resolve.

Sec. 25. INFORMAL PROCEEDINGS. (a) Requires the board to adopt, by rule, procedures for governing the informal disposition of contested cases and informal proceedings.

(b) Requires that rules adopted under this section provide the complainant an opportunity to be heard; provide the licensee an opportunity to be heard; and require the presence of an

attorney to advise the board or the board's employees.

(c) Requires the attorney to be a legal representative of the department which represents the board or the board's employees or a representative of the office of the attorney general.

SECTION 25. Adds Section 26. Sec. 26. MONITORING OF LICENSE HOLDER. Requires the board, by rule, to develop a system for monitoring license holders' compliance with requirements of this Act. Requires that rules adopted shall include procedures for monitoring a license holder who is ordered by the board to perform certain acts to ascertain that the license holder performs the required acts.

SECTION 26. Specifies that Section 21, Chapter 381, Acts of the 68th legislature, regular Session, 1983 (Article 4512j, Vernon's Texas Civil Statutes), is repealed.

SECTION 27. Specifies that the effective date of this Act is September 1, 1993.

SECTION 28. Emergency clause.

#### RULEMAKING AUTHORITY

It is the committee's opinion that HB 1478 as substituted grants the following rulemaking powers, which are necessary for implementation of the Act.

SECTION 4. Section 5. (a) Authorizes the board to adopt rules.

(e) Specifies that persons licensed under this act are subject to rules adopted by the board.

(i) Adds standard language developed by the Sunset Commission. Requires the board to develop and implement policies that clearly define the respective responsibilities of the board and the staff.

(j) Adds standard language developed by the Sunset Commission. Requires the agency to develop a plan that describes how non-English speaking persons can be provided reasonable access to the agency's programs. Also requires the board to comply with federal and state laws for program and facility accessibility.

(k) Adds standard language developed by the Sunset Commission. Requires the board provide the public with reasonable opportunity to appear before it regarding issues under its jurisdiction.

SECTION 7. Sections 8(a) and (b). (a) Requires the board to establish qualifications, rules, and licensing options related to dual licensure.

SECTION 8. Sections 9(b)-(p). (h) Specifies that a person who has received training by the Texas Department of health in a training program approved by the agency shall be limited to conducting services defined as screening by board rule. A person who has received training by the Department of Health may not practice speech-language pathology or audiology or represent themselves as a speech-language pathologist or audiologist. Deletes language which allows persons employed by the Department of Health from providing speech or hearing services as long as they are providing these services under the Department of Health.

(i) Specifies that this Act does not prohibit a person licensed under Article 4566 from engaging in the practice of fitting and dispensing hearing aids and allows an audiologist to fit and dispense hearing aids under the audiology license. Prohibits a person licensed as a hearing aid fitter and dispenser from practicing speech-language pathology or audiology or representing themselves as a speech-language pathologist or audiologist. Deletes language prohibiting a person licensed under this act from selling hearing aids.

(k) Specifies that this Act does not prohibit screenings, as defined by board rules, by registered nurses. Deletes language referring to the title "Certified Hearing Aid Audiologist" and language stating that nothing in this act shall restrict a licensed psychologist from engaging in the practice of psychology.

SECTION 9. Section 9A. Sec. 9A. FITTING AND DISPENSING OF HEARING AIDS BY PERSONS REGULATED UNDER THIS ACT. (a) Prohibits persons licensed as a speech-language pathologists from fitting and dispensing hearing aids unless the person meets the requirements for fitting and dispensing hearing aids under this Act.

(b) Requires persons who are licensed under this Act as audiologists or audiologist interns to meet certain requirements to fit and dispense hearing aids.

(c) Requires that certain standards be met if audiometric testing is not conducted in a stationary acoustical enclosure.

(d) Prohibits a licensed hearing aid fitter and dispenser or a licensed audiologist from selling a hearing aid to a person under 18 years of age unless the prospective user, parent, or guardian presents a written statement signed by a licensed specialist who specializes in diseases of the ear which states the person has been examined and is a candidate for a hearing instrument.

SECTION 10. Section 10. Adds ; INTERN LICENSE. to the title. (a) Adds new language in subsection (1), (3), and (4) which clarifies curriculum requirements of applicants for licensure.

(b) Adds language establishing the terms under which an audiology intern may be licensed.

SECTION 12. Section 12. (a) Requires that each applicant pass a validated examination and requires applicants to pay fees for the examination as specified by the board. Changes "committee" to "board".

(b) Authorizes the board to establish procedures for administration of the examination. Changes "committee" to "board".

(e) Specifies that a person who fails the examination must contact the testing service administering the examination for an analysis of performance. Changes "committee" to "board".

(f) Adds standard language developed by the Sunset Commission. Requires the board to notify license applicants of licensing examination results within a reasonable time of the examination date. Deletes language related to the examination.

SECTION 13. Section 13. Adds language recommended by the Sunset Commission. Establishes a provisional licensing process for out-of-state practitioners. Deletes old language related to reciprocity.

SECTION 14. Section 14. (c) Adds standard language developed by the Sunset Commission. Authorizes the board to adopt a staggered license renewal system.

SECTION 15. Section 14A. Sec. 14A. TEMPORARY LICENSE; INACTIVE STATUS. (a) Authorizes the board to provide for a temporary license.

(b) Authorizes the board, by rule, to develop a process for placing licenses on inactive status and specifies that rules shall contain a time limit for the amount of time that a license to remain on inactive status.

SECTION 16. Section 15. (a) Allows an individual up to two years to renew a license without reexamination.



(c) and (d) Establishes requirements for license renewal.

SECTION 17. Section 16. Requires that fees be set by the boards as necessary to cover the cost of regulation.

SECTION 18. Section 17. (d) Authorizes the board to use continuing education as a disciplinary tool.

(e) Requires the board to use a full range of penalties, such as reprimand, suspension or revocation, for violations of state laws or agency rules.

(f) Requires the board to adopt a schedule of sanctions, by rule, to be used for any sanction imposed as a result of a hearing conducted by the board.

SECTION 23. Section 23. Sec. 23. COMPLAINT PROCEDURE IN GENERAL. (a) Requires the board to maintain a complaint information file that includes information about persons contacted in relation to the complaint; a summary of findings made at each step of the complaint process; a explanation of why a complaint is dismissed; and any other relevant information.

(b) Requires the board to provide information to the parties to the complaint on a regular basis.

(c) Requires the board to develop a standardized complaint form.

(d) Requires the board to provide reasonable assistance to person's wishing to file complaints.

(e) Requires the board to list a toll-free telephone number for complaints with its regular number.

SECTION 24. Sections 24 and 25. Sec. 24. COMPLAINT INVESTIGATION AND DISPOSITION. (a) Requires the board to adopt rules concerning the investigation of complaints and lays out guidelines for these rules.

(b) Requires the board to dispose of complaints in a timely manner; develop a schedule for conducting each phase of the complaint investigation; keep the schedule in the complaint file; and notify parties to the complaint of the schedule and any changes in the schedule.

(c) Requires the director to notify the board of any complaints that take an abnormally long time to resolve.

Sec. 25. INFORMAL PROCEEDINGS. (a) Requires the board to adopt, by rule, procedures for governing the informal disposition of contested cases and informal proceedings.

(b) Requires that rules adopted under this section provide the complainant an opportunity to be heard; provide the licensee an opportunity to be heard; and require the presence of an attorney to advise the board or the board's employees.

(c) Requires the attorney to be a legal representative of the department which represents the board or the board's employees or a representative of the office of the attorney general.

SECTION 25. Section 26. Sec. 26. MONITORING OF LICENSE HOLDER. Requires the board, by rule, to develop a system for monitoring license holders' compliance with requirements of this Act. Requires that rules adopted shall include procedures for monitoring a license holder who is ordered by the board to perform certain acts to ascertain that the license holder performs the required acts.

Comparison of HB 1478, as Substituted, to the Original Bill

1. The substitute removes all language related to the merger of the State Committee of Examiners for Speech-Language Pathology and Audiology and the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids.
2. The substitute removes all language related to the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids.
3. The substitute adds language which changes the committee to a board and grants the board rulemaking authority.
4. The substitute authorizes audiologists to fit and dispense hearing aids under this Act.
5. The substitute prohibits a licensed hearing aid fitter and dispenser of licensed audiologist from selling a hearing aid to a person under 18 years of age unless the prospective user, parent, or guardian presents a written statement signed by a licensed specialist who specializes in diseases of the ear which states the person has been examined and is a candidate for a hearing instrument.
6. The substitute replaces the term "speech-language pathology aide" with "licensed assistant in speech-language pathology" and the term "audiology aide" with "licensed assistant in audiology".
7. The substitute adds language requiring the Central Education Agency to require the applicant for a Central Education Agency certificate in speech-language pathology to hold a master's degree in communicative disorders or the equivalent from a university accredited by the American Speech-Language-Hearing Association and to pass a national examination in speech-language pathology or audiology.
8. The substitute moves the authority for administrative hearings from the State Office of Administrative Hearings to the board and the Department of Health.

#### SUMMARY OF COMMITTEE ACTION

At a public hearing on April 6, 1993, the Chair laid out HB 1478 by Cain. Mr. Longley from the Sunset Commission explained the bill. Testifying for the bill were: Jim Wilson, Person Licensed to Fill & Dispense Hearing Aids and Ray Jones, self. Testifying against the bill were: Lawrence W. Higdon, Texas Speech Language Hearing Association; Judy Achilles, Texas Speech Language Hearing Association; Karol Rice, Texas Speech Language Hearing Association. Rep. Cain closed on the bill. Chairman Berlanga moves to leave HB 1478 pending in committee. There being no objection, the motion carried.

At a public hearing on May 4, 1993, the Chair laid out HB 1478 and a complete committee substitute for HB 1478 by Berlanga. The Chair explained CSHB 1478 and moved adoption of the substitute. There being no objection, the Chair so ordered. Rep. Delisi moved to report HB 1478 as substituted to the full House with the recommendation that HB 1478 as substituted do pass and be printed. Rep. McCall seconded. The record vote was: 9 ayes; 0 nays; 0 present, not voting; 2 absent.

Public Health Committee/5-5-93/dm

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE**  
**73rd Regular Session**

May 5, 1993

TO: Honorable Hugo Berlanga, Chair  
Committee on Public Health  
House of Representatives  
Austin, Texas

IN RE: Committee Substitute for  
House Bill No. 1478

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for House Bill No. 1478 (relating to the regulation of speech-language pathology and audiology and the continuation of the State Committee of Examiners for Speech Pathology and Audiology) this office has determined the following:

The bill would continue the regulation of speech-language pathology and audiology in the Texas Department of Health. The bill would change the name of the Committee to a Board. The definition of audiology would be expanded to include the fitting, dispensing and sale of hearing aids. The bill establishes other levels of licensure to include intern in speech and audiology as well as standardizing the complaint and investigation process. The bill would continue the State Board of Examiners for Speech-Language Pathology and Audiology until September 1, 2005.

The bill would not prohibit an audiologist who fits and dispenses hearing aids from being licensed by the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

| Fiscal Year | Probable Gain to the Speech-Language Pathology and Audiology Account No. 515 in General Revenue Fund 001 | Probable Cost to the Speech-Language Pathology and Audiology Account No. 515 in General Revenue Fund 001 |
|-------------|--|--|
| 1994        | \$12,900   | \$12,900   |
| 1995        | 1,075  | 1,075  |
| 1996        | 1,075  | 1,075  |
| 1997        | 1,075  | 1,075  |
| 1998        | 1,075  | 1,075  |

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Source: LBB Staff: JO, JWH, DF, TLH, LC

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE**  
**73rd Regular Session**

April 4, 1993

TO: Honorable Hugo Berlanga, Chair  
Committee on Public Health  
House of Representatives  
Austin, Texas

IN RE: House Bill No. 1478  
By: Cain

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Bill No. 1478 (relating to the regulation of the fitting and dispensing of hearing aids and speech-language pathology and audiology and to the creation of a new state board to replace the State Committee of Examiners for Speech Pathology and Audiology and the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids) this office has determined the following:

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would abolish the State Committee of Examiners for Speech-Language Pathology and Audiology and the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids and merge them to create the Board of Examiners for Speech and Hearing Professionals. The nine-member board appointed by the Governor would be comprised of two hearing aid fitters and dispensers, two audiologists, two speech-language pathologists and three public members. The bill would also standardize the complaint and investigation process; create a procedure to license out-of-state practitioners; and require that all written examinations be validated. The bill would continue the Board of Speech and Hearing Professionals until September 1, 2005.

Fiscal implications of the bill are calculated from the State Committee of Examiners for Speech-Language Pathology and Audiology (funded through the Department of Health) and the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids (FY94 = \$71,765; FY95 = \$70,316) in the General Appropriation Bill, as introduced which provides funding for 6 employees. The bill would require the board to issue separate licenses for the three types of professionals and appropriations would be financed from the General Revenue Fund and the Speech-Language Pathology and Audiology Account No. 515 in General Revenue Fund. The bill requires the board to establish fees that will produce sufficient revenue to cover the costs of administering the Act. No change in the number of employees is anticipated.

The bill contains one provision that could result in a loss of revenue associated with its implementation but the amount cannot be estimated. The provision requires that temporary permittees training to become hearing aid fitters and dispensers be supervised by licensee-sponsors. This provision could reduce the number of temporary permittees and the amount of fee revenue generated because the provision requires direct supervision and would reduce the number of temporary permittees that could be supervised by a licensee-sponsor. However, the exact revenue loss cannot be estimated because the reduction in the number of temporary permittees cannot be estimated.

The bill contains two provisions whose costs and associated revenue gain could not be estimated. The first provision requires the board to establish temporary licenses and inactive status for licenses. The second provision authorizes the board to establish a procedure for licensing out-of-state practitioners seeking licensure in Texas.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

| Fiscal Year | Probable Gain to the General Revenue Fund 001 from Fee Revenue | Probable Gain to the Speech-Language Pathology and Audiology Account No. 515 in General Revenue Fund 001 from Fee Revenue | Probable Cost Out of the General Revenue Fund | Probable Cost Out of the Speech-Language Pathology and Audiology Account No. 515 in General Revenue Fund 001 |
|-------------|--|---|---|--|
| 1994        | \$43,069   | \$36,520  | \$43,069                                      | \$36,520   |
| 1995        | 4,829  | 9,760   | 4,829   | 9,760  |
| 1996        | 7,329  | 9,760   | 7,329   | 9,760  |
| 1997        | 4,829  | 9,760   | 4,829   | 9,760  |
| 1998        | 7,329  | 9,760   | 7,329   | 9,760  |

The table reflects the probable cost increases to the new board's budget of approximately \$79,589 the first year and \$14,489 and \$17,089 alternating subsequent years due to hearing aid fitter and dispenser examinations validation. Increases in the FY94 are based on one-time costs of \$65,000 including moving expenses (\$36,000), computer expenses (\$4,000) and initial validation of examinations (\$25,000).

The total budget for the Board of Examiners for Speech and Hearing Professionals is projected to be \$301,604 for FY94 and \$261,604 for FY95.

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Source: Texas Department of Health, Board of Examiners in the Fitting and Dispensing of Hearing Aids;  
LBB Staff: JO, JWH, DF, TLH, JOL

H. B. No. 1478

By Car

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the fitting and dispensing of hearing aids and speech-language pathology and audiology and to the creation of a new state board to replace the State Committee of Examiners for Speech Pathology and Audiology and the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids.

MAR 4 1993

1. Filed with the Chief Clerk.

MAR 8 1993

2. Read first time and Referred to Committee on

PUBLIC HEALTH

MAY 04 1993

3. Reported favorably <sup>(as amended)</sup> <sub>(as substituted)</sub> and sent to Printer at 7:00 pm

MAY 07 1993

4. Printed and distributed at 3:19 pm

MAY 06 1993

MAY 07 1993

5. Sent to Committee on Calendars at 7:19 pm

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

7. Motion to reconsider and table the vote by which H.B. \_\_\_\_\_ was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting.

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. \_\_\_\_\_ was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

12. Ordered Engrossed at \_\_\_\_\_

13. Engrossed.

14. Returned to Chief Clerk at \_\_\_\_\_

15. Sent to Senate.

\_\_\_\_\_  
Chief Clerk of the House

16. Received from the House

17. Read, referred to Committee on \_\_\_\_\_

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

21. Regular order of business suspended by  
(a viva voce vote.)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

\_\_\_\_\_ 22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

\_\_\_\_\_ 23. Read second time \_\_\_\_\_ passed to third reading by:  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

\_\_\_\_\_ 24. Caption ordered amended to conform to body of bill.

\_\_\_\_\_ 25. Senate and Constitutional 3-Day Rules suspended by vote of \_\_\_\_\_ yeas,  
\_\_\_\_\_ nays to place bill on third reading and final passage.

\_\_\_\_\_ 26. Read third time and passed by  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

OTHER ACTION:

OTHER ACTION:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_ 27. Returned to the House.

\_\_\_\_\_ 28. Received from the Senate (with amendments.)  
(as substituted.)

\_\_\_\_\_ 29. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record  
(Substitute) Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present,  
not voting).

\_\_\_\_\_ 30. Conference Committee Ordered.

\_\_\_\_\_ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record  
Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

\_\_\_\_\_ 32. Ordered Enrolled at \_\_\_\_\_

HOUSE OF REPRESENTATIVES  
59 MAY -7 PM 3:19

8671

Hochberg

By Car

H.B. No. 1478

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the fitting and dispensing of hearing aids and speech-language pathology and audiology and to the creation of a new state board to replace the State Committee of Examiners for Speech Pathology and Audiology and the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. BOARD OF EXAMINERS FOR SPEECH

AND HEARING PROFESSIONALS

SECTION 1.01. Title 71, Revised Statutes, is amended by adding Article 4566a to read as follows:

Art. 4566a. BOARD OF EXAMINERS FOR SPEECH AND HEARING PROFESSIONALS

Sec. 1. BOARD OF EXAMINERS FOR SPEECH AND HEARING PROFESSIONALS. (a) The Board of Examiners for Speech and Hearing Professionals consists of:

(1) two members licensed as hearing aid fitters and dispensers who are not licensed as audiologists or speech-language pathologists;

(2) two members licensed as audiologists;

(3) two members licensed as speech-language pathologists; and

(4) three members who represent the public.

(b) Members of the board are appointed by the governor with